

J. Can. L.

203 m.

Cases

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CONCUBINAGE, || DIVORCE, &c.

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LONDON

Printed for T. PAYNE, in Pall-Mall
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Street. 1735.

SOME
MEMMOIRS
AND
TESTIMONIES
OF THE
LIFE and WRITINGS
OF
BARNARDINO OCHINO.

A *Very curious and ingenious Gentleman having lately amused himself with rendering into English the notable Dialogue, on Polygamy, of that celebrated Tuscan, B. Ochino, the said Version, in Manuscript, was put into my Hands, some Time since, by a Friend, who affirmed it to be his Opinion, that it would not fail of a favourable Reception among*

[a]

some

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some of our curious and unbiassed English Readers. --- And I cannot but flatter myself with the same Hopes.

Having, with the Concurrence of several Literati, determined on the Publication, I judged it would be neither improper, nor unacceptable to prefix such Testimonies as I could gather, concerning the Author of so remarkable a Piece: Which take as follows.

M. MORERI (a Writer well known to have been too true a Catholic ever to bestow undeserved Praises on any Person tainted with, or even suspected of Heretical Pravity) says thus.

BARNARDINO OCHINO, a Heretique, was a Native of Sienna. He put on a Religious Habit, among the Capuchins, in or about the Years 1525, or 1526, and was greatly serviceable towards the Establishment of that Fraternity; whereof he afterwards became General. He was Learned, Eloquent, and Bold; nor did ever any Man preach with better Success, or more universal Applause. The most Illustrious Prelates, Great Princes, and Multitudes of other Personages of the highest Rank and Quality, deemed it a singular Honour to shew him Respect. The noblest Cities throughout Italy, with the utmost Emulation, vied to have him for their Preacher; and such Reputation had his Name acquired, that,

that, from all Quarters, the *Curiosi* thronged to see and hear him. --- Nevertheless, this Man, who was endowed with such excellent Parts and Qualifications, had not the Power to employ them to his own Advantage. Vanity was the fatal Poison which destroyed him : And such was his Unhappiness, that after Beginnings so Glorious, he came to fail in Faith and Perseverance, making a most miserable *Exit*. He was first perverted by *Pietro Vermili*, commonly called *Peter-Martyr* ; and, in 1543, they together quitted *Italy*. At *Ferrara* it was that *Barnardino Ochino* took the *Secular Habit*, and went to *Geneva* ; where he espoused a very beautiful young Damself of *Lucca*, who followed his Fortunes. But soon after, not satisfied with one Wife, he would needs have more : And, in Justification of such his *Libertinism*, he asserted *Polygamy* to be lawful ; nay, and vindicated that Assertion in a certain *Work* of his, which he published, and declared himself Head of those infamous *Libertines*, known by the Name of *POLYGAMITES*. These Disorders rendered him odious to the *Protestants*. From *Geneva* he went to *Zurich* ; and afterwards into *Germany* : Where, not meeting where-withal to gratify his Ambition and Vanity, he withdrew into *Transilvania*, and from

thence he retired to *Poland*; there he fell into the Errors of the *Socinians*, and there died an *Atheist*, utterly abandoned by all, and the most miserable of Wretches. —

This *Barnardino Ochino*, besides the said *Treatise* of the *Lawfulness* of *Polygamy*, composed (likewise in *Italian*) certain *Comments* upon *St. Paul's* EPISTLE to the *Romans*, which *Sebastiano Castalio* translated into *Latin*; and they were printed at *Geneva*, *Ausburgh*, and other Places. He left likewise *Comments* on *St. Paul's* other EPISTLES, also in *Italian*. The *Protestants*, as I observed, never mention him, but with Detestation of his Memory: And *Beza* calls him, *Vir Infelicitis Memorix*. *Rivet*, *Boxhorn*, and several others, have the like Sentiments.

Thus far *Moreri*; whom we are not to reckon among the Number of our Author's best Friends. However, he has been so candid and generous as to allow him to have been an extraordinary Person, at least while he continued a dutiful Son of Holy Mother Church: We shall soon see what the more candid *Mons. Bayle* has to alledge against some Part of this learned Gentleman's Testimonials; tho', indeed, could we not have produced any others than his, those might, methinks, have been more than sufficient to have excited in us a Curiosity of
ex-

of BARNARDINO OCHINO. ∇
examining into what a Man so gifted had
to advance on so nice a Subject.

But what is said, with relation to our
Author, by Mons. Bayle, seems too much
to the Purpose for me to omit it; I shall
therefore deliver almost his whole long Ar-
ticle: viz.

Monf. BAYLE'S TEXT.

BERNARDINO OCHINO was
one of the Italian Ecclesiastics, who, in
the 16th Century, quitted their Country to
embrace the Protestant Religion. He was
a Native of Sienna. First he was a Corde-
lier, and afterwards a Capuchin. (a) In
the Capuchin Order he remained from the
Year 1534, till the Year 1542. (b). Those
who have given out, that he was the Founder
of that Order, or one of the first four who
engaged therein, are mistaken (A); but it is
true, that he was elected General of that
Order. I cannot think that he ever was the
Pope's Confessor (c), as some have reported.
He observed its Rules with wonderful Aste-
rity (B), and he preached with incomparable
Zeal (C); and, in all Appearance, he thought
of nothing less than abandoning his Frock
[a 3] and

(a) Spondan. *ad ann.* 1547. num. 22-

(b) Idem, *ad ann.* 1525 num. 27.

(c) See Remark [D], at the End.

and his Church, when the Conversation he had with a certain Spanish Civilian (d), who, in Germany, had taken a Relish to Luther's Doctrine, brought into his Mind some Doubts. At Naples it was that he held those Discourses with the said Lawyer, and that he began to preach Matters which were looked on as very great Novelties (D). This made him begin to be suspected; and he was cited to the Court of Rome (e). Thither he was going; but, at Florence, met with his good Friend Peter-Martyr (E), to whom he communicated the Intimations which had been given him of the Hazard he run in delivering up himself to the Pope's Discretion. Having maturely discussed the Affair, they both determined to retire to some Place of Security. Ochino went off first, and took the Road towards Geneva; and Peter-Martyr set out two Days after, and withdrew to Swisserland (f). One who, continued Baronius, affirms, that Ochino made Provision of a Female Companion, who followed him to Geneva, and whom he there espoused publickly, in order to give the most authentic Proof he could of his having renounced Popery (g). Were we to judge of this Fact by some others, exhibited by this

(d) His Name was Juan Valdes.

(e) Spondan. *ad ann.* 1525. *num.* 27.

(f) Josias Simler. *in the Life of Peter-Martyr*, pag. 36.

(g) Spondan. *ad ann.* 1525. *num.* 27.

this Author, one would not be inclined to believe that he had very good Materials to work upon (F). Ochino, by his Flight, extremely chagrined the Pope (G). He did not settle at Geneva, but went thence to Aufburg, and there published some Sermons. He made a Voyage to England, together with Peter-Martyr, in the Year 1547 (h): Cranmer, Archbishop of Canterbury, sent for them both over, having observed, that, upon the Death of K. Henry VIII. all Things were preparing for the Introduction of the Reformation (i). The Alterations, in Matters of Religion, which, after K. Edward's Decease, were made in that Country, compelled those two Doctors to move away from thence. They repassed the Sea in the Year 1553, and retired to Strasburg (k) (H). Ochino was at Basil in 1555 (I); but he was sent for, the same Year, to Zurich, to be Minister of an Italian Church which was there establishing. This Church was composed of certain Refugees from Locarno (l), who, at-home, could not obtain the Liberty of professing the Reformation, by reason of the Opposition of the Swiss Catholic Cantons. Without any Scruple, the Confession of Faith of the Zurich Church

[a 4]

was

(h) Sleidan, Lib. XIX. Fol. m. 538.

(i) Simler, in the Life of Peter-Martyr, pag- 40.

(k) Sleidan, Lib. XXV. Fol. 721.

(l) One of the four Bailliages possessed by the Swissers in Italy

was subscribed to by Ochino, who there found a very good Friend in Bullenger (m). In that Italian Church, at Zurich, he Administered 'till the Year 1563. Then the Magistrates banished him thence on account of some Dialogues by him Printed and Published at that Time; which Dialogues, among other Errors, contained that of POLYGAMY (K). He retired to Basil, and got the Ministers and Professors of that Place to be petitioned to obtain Leave of the Magistracy for him to reside there. Some questioned him concerning the Doctrine of his Dialogues. He answered, that he had the same Sentiments with themselves, with relation to those Points; and he even acquiesced to the Proposition they made him, of giving them a clear and particular Declaration of his Belief; he acquiesced, I say, on the Condition that they would obtain his and his Childrens Permission to pass the Winter at Basil. But the Magistrates, hearing his Demand, and the Opinions of the Doctors concerning his Doctrine, gave Orders for his immediate quitting the Place; adding, that they would farther deliberate on his Dialogues, as also on the Dishonour he had done their City, in causing them to be there printed (n). Andreas Dudithius complains to Theodorus Beza of their Rigour to

(m) Josias Simler, in the Life of Bullenger, Fol. 28.

(n) Idem: *ibid.* Fol. 38 & 39.

to this aged Man (L) ; whom they forced to seek an Abode where he could find one, in the sharpest Season of the whole Year. Ochino was then Seventy-six Years of Age (M). He went into Poland ; but, by the Nuncio Commendon, he was soon driven thence, by Virtue of the Edict granted him against Foreign Heretics. Having been in diverse Places, he lastly got into Moravia, and there, not long after, died. If, in this Particular, one may give Credit to Cardinal Commendon's Historiographer (N), Ochino, his Wife, his two Daughters, and his Son, died all of the Plague (O). The Circumstances of his Death are variously reported (O) ; nor do Writers agree with relation to the Heresies he embraced after he quitted Switzerland. Some say, he turned Anabaptist, after having strenuously preached up the Heresy of Macedonius (p) : Others say, in general, that he attacked the Trinity : The Anti-Trinitarians reckon him among the Number of their Authors. He composed diverse Works, a List whereof is in their Library (P) : But they have omitted inserting, in that List, the Apology he wrote for his Change of Religion (Q). This he addressed to the Pope, and filled it with Matters extreamly injurious to the Catholic Interest

[a 5]

(O) *The Life of Cardinal Commendon, by Antonio-Maria Gratiani, Lib. II. Cap. IX.*

(p) Simler, in the Life of Bullinger, Fol. 47.

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terest. In his Preface, he acknowledged, that, could he, without Danger of his Life, have continued preaching the Truth, after the Manner he had done for some Time, he would not have quitted the Habit of his Order (q) ; but that, not finding in himself Courage enough to undergo Martyrdom (r), he had sought his Safety among the Protestants. It is wrongfully that some have affirmed him to be Author of the Book intituled, De Tribus Impostoribus (R). There is a Report, that he promised the Cardinal of Lorain, to convict the Protestant Churches of two Dozen of Errors (S). What relates to Ochino has been much exaggerated (T). M. Varillas exhibits several glaring Falsities concerning this Unfrocked Monk (U). M. Moreri does not every where say what is right (X).  Nothing has yet appeared against Florimond de Remond in the First Edition of this Article. He is, however, a Writer who has not been extraordinarily exact in the Chapter of Ochino (Y). From him it is that Bzovius has taken the Story of this Monk's Wife's being reduced to earn

(q) In the Preface to the Sermons which he preached in Italy, and which were Printed, in Germany, A. D. 1545. See Seckendorf, in Supplimentis Indicis I. Hist. Lutheran.

(r) Cum se ad mortem sponte obeandam non satis firmum esse deprehenderet. In the same Preface.

earn her Livelibood by washing Linen (Z). but he has enriched his Writings still considerably more with the Plunder of the Capuchins Annalist: From him Bzovius borrows a very ample Narrative of this our Renegado-Monk's Apostasy, and imaginary Martyrdom (AA); all which merits some Consideration.

M. BAYLE'S REMARKS.

(A) **T**Hose who have given out, that he was the Founder of that Order, are mistaken.—Zacharias Boverius proves it, both by Authorities, and by Reasons (1). Among other Things, he says; That it is certain, the Capuchin Order had its Beginning in the Year 1525, and that more than 300 Persons had embraced it before Ochino entered it, in 1534. M. Varrillas (2) makes Use of these Reasons to confute the Bishop of Amelia (3), who has said the same, as has also Theodorus Beza (4), viz. That Ochino was the Founder of the Order of

(1) Annals of the Capuchins. Spondan. ad ann. 1525. num. 27.

(2) Hist. of Heresy. Lib. XVII. pag. 59, of the Holland Edition.

(3) Antonio-Maria Gratiani's Hist. of Card. Commen-don. Lib. II. Cap. IX. Beza, in Iconibus, in Petro-Martyre.

(4) Beza, in Iconibus, in Petro-Martyre.

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of the *Capuchins*. The Supplement of M.
Moreri has this Passage of M. Varillas.

(B) He observed its Rules, &c.——
The Bishop of Amelia, in the Chapter which I have quoted of the History of Cardinal Commendon, observes, that Ochino was venerated as a Saint, and that he exactly practised all the Exteriors of Mortification. His Age, says he, his austere Manner of Life, that coarse Habit of the Capuchins, his long Beard which reached below his Stomach, his grey Locks, his pale and meagre Countenance, a certain most artfully-affected Appearance of Feebleness and Infirmary, together with the great Opinion of his Sanctity, which was spread far and near, occasioned his being looked on as a very extraordinary Person.---It was not only the common People ; the greatest Nobles, nay, even Sovereign Princes, revered him as a Saint. When he came to visit them, they went out to meet him, receiving him with all imaginable Honour and Affection, and in the same Manner re-conducted him at his Departure. He, for his Part, omitted no Artifices which might serve to confirm them in the good Opinions they had conceived of him. In his Peregrinations he always went on Foot : And, notwithstanding he was far advanced in Years, and of a very weakly Constitution,
when

when any of the Princes compelled him to stay some Time with them, neither the Splendor of their Palaces, Magnificence of Apparel, nor all the Pomp of the Age did once prevail with him to forget the Poverty and Austerities of his Profession. At Feasts he would never eat of more than one Dish, and that of the plainest and most common Viands ; nor did he scarce ever drink Wine. He has been intreated to lye in very rich, pompous Beds, that he might more commodiously rest himself after the Fatigues of his Journies ; but he chose rather to spread his Garment, and lye down on the Ground, or Floor. It is not easily to be believed what Reputation he had acquired, nor what Honours were done him throughout all *Italy*.

(C) He preached with incomparable Zeal, &c. — *Let us hear what the Bishop of Amelia says farther.* — One may allow (5) him to have had some Knowledge ; but he had much more Regard to the Elegance and Beauty of his Expressions, than to sound Doctrine, or Force of good Reasoning. He scarce understood any *Latin* ; but when he delivered himself in his native *Italian*, he did it with such a Grace, so politely,

(5) M. Varillas, in his Hist. of Heresy, Lib. XVII. pag. 59 & 60. has Paraphrased this and the preceding Passages, with his wonted Liberty.

lately, and explained what was within his Reach so redundantly, that all his Audiences were perfectly charmed with the harmonious Sweetness of his Discourses. When he was to preach any where (*it is the Bishop of Amelia who is still speaking*) the People failed not to throng thither; whole Cities swarmed to hear him; nor was there any Church whatever capable of containing the Multitudes. Generally speaking, the Crouds of Women exceeded those of the Men. When he was to pass by any City, or Town, infinite Numbers of People went to meet him in the Way, to hear his Instructions.--Bzovius *has, under few Words, couched a very large Encomium of him, viz. In tantâ tum erat existimatione [Ochinus], ut unus optimus totius Italiæ concionator haberetur, ut qui admirabili quadam cum actione, tum linguæ facundia auditorum animos quocunque vellet raperet, ac tanto magis quod vita doctrinæ resonaret* (6).

(D) At Naples it was, &c. — Tomaso Costo (7), *who wrote the History of the Insurrection at Naples, when the Spaniards would have established there the Tribunal of the Inquisition, pretends, that it was Ochino's Sermons which sowed the Seeds of those Troubles*

(6) Ezovius, *ad ann. 1542. num. 34.*

(7) Sup. *ad Mambrin. Lib. IV. apud Spondan. ad ann. 1547. num. 22.*

Troubles (8). — *The Bishop of Amelia is silent, with regard to this Capuchin's being perverted by Juan Valdes, or by any other Heretic from Germany: He will have it, that the Occasion of his Defection was Vanity; and that the Resentment he took, at not obtaining a Cardinalship, induced him, very artfully to introduce, in his Sermons, certain Expressions and Insinuations, tending towards the decrying, or diminishing the Authority of the Holy See (9). — Bzovius says, in general, that Ochino let drop something amiss in one of his Sermons; Quod pro concione quadam fecus dicta effudisset (10): On a Palm-Sunday, he preached before the Pope, and sharply reprehended his ostentatious Pageantry, in a Parallel he drew between Jesus Christ and him. They add, that, after the Sermon, a certain Cardinal gave him Notice of the Pope's Indignation against him, and counselled him to make the best of his Way immediately (11). Some say, that he did not propound his Censures, on the Pride and Pomp of the Pontifical Court, any otherwise than as the Objections made by Heretics. The Author from whom I borrow this*

(8) Spondan. *ibid.*

(9) Anti Maria Gratiani, in the Life of Card. Com-mendon. pag. 205 of M. Fletchier's Translation of the Paris Edition. in 12mo

(10) *Ad ann. 1542. num. 34. apud Bibliotheca Anti-Trinitariorum, pag. 3.*

(11) Idem, *ibid.*

this Remark, will needs have Ochino to have been the Pope's Preaching-Chaplain and Confessor (12). Here are a good Number of Facts, which I set down without vouching them for Truths: For Instance, I have read in the learned M. Seckendorf's great Volume (13), that twenty of Ochino's Sermons, which were by him preached in Italy, under his Capuchin's Frock, were printed in Germany, wherein it wanted very little of ones meeting with the pure Doctrine of the Protestants, on Justification, Good Works, Confession, Satisfaction, Indulgences, Purgatory, and other Points. One little Scruple remains here; viz. Whether those Sermons were Printed, in Germany, exactly verbatim as they were Preached, in Italy; However that be, they were Printed, at Neuburg, in 4to. A. D. 1545, translated into Latin by Joseph Hocksteter.

(E) At Florence he met with his good Friend Peter-Martyr, &c. ——— This Particular, I believe, we may adhere to; for nothing could have engaged Peter-Martyr to falsify the Circumstances of that Passage: He has, therefore, faithfully reported it in the Memoirs from which his Life was compiled. For which Reason, Josias Simler, who wrote

the

(12) Stan. Lubien. Hist. Reform. Polon. Lib. II. Cap. V. pag. m. 110. See also Bibliotheca Anti-Trinit. pag. 2.

(13) In Hist. Lutheran. Sup. Ind. I.

the Life, is rather to be believed than the Bishop of Amelia, who gives out ; 1. That Ochino was at Verona, when the Pope's Summons were brought to him. 2. That Matteo Ghiberti, Bishop of Verona, advised him to go to Rome, to justify himself. 3. That Ochino, who did not follow that Counsel without Reluctance, advanced, in his Way thither, as far as Bologna, where Cardinal Gasparo Contarini, Legat of that City, was then present. 4. That having found the said Legat, lying sick of a Distemper which hindered him from advising him concerning his Business, he determined on making his Escape, and that, the very same Night, he threw off his Frock, took a Secular Habit, and fled away to the Heretics (14). M. Varillas, who pretends that Ochino, before his Departure from Verona, consulted Peter-Martyr by a Letter, has apparently invented this Circumstance. We may venture to reject it as a Fable since there is no room to doubt, that those two Persons had not, at Florence, by a verbal Conference, concerted their Retreat among the Protestants.

(F) That he had very good Materials, &c. — In Effect, Spondanus gives us but a very lame Account of Ochino's Adventures (15). He first makes him an Arian, who

(14) Hist. Card. Commendon pag. 205, & seq.

(15) Ad ann. 1547. num. 22.

who durst not discover his *Arianism* in a Place where *Michael Servetus* had been burned alive. I have cited *M. Sleidan*, who, in Matters of this Kind, ought to pass, in the Eye of the World, for an irreproachable Witness: I have, I say, cited him, assuring us, that *Ochino* went from Geneva to *Ausburg*, before he went over to England. Now this Voyage to England he made in the Year 1547: So that he could not run away from Geneva on account of the Execution done upon *Servetus*, who was not burned till the Year 1553. — *Spondanus* adds, That *Ochino*, suppressing his Sentiments for the before-said Reasons, quitted Geneva, whether of his own Accord, or, as others report, because *Calvin* caused him to be expelled that City (16). Had *Calvin* occasioned his being driven thence, he would not in the Year 1550, have given that handsome Testimony which he then gave concerning him (17). For he must have got him expelled before the Year 1547, which was the Time when *Peter-Martyr* and *Ochino* went to England. — The Annalist goes on thus: *Ochino*, leaving Geneva, withdrew to *Zurich*;

(16) *Idem*, *ibid*.

(17) Quos hæc nostrâ ætate Monachos habuit Germania qui, vel doctrinâ vel Sanctitate, cum *Luthero*, *Bucero*, *Oecalampadio* & similibus conferre se nisi nimis impudenter audeant? Quos Itali *Bernardino Ochino* & *Petro Vermilio* opponent? *Calvin. de Scandalis. pag. 96.*

of BARNARDINO OCHINO. xix
rich ; from whence he was, likewise, soon
expelled. The like Adventure befel him
at *Basil* : Afterwards he passed over to
England, together with *Peter-Martyr* ; and
being forced to leave that Country in *Q.*
Mary's Reign, he retired into *Germany*,
and afterwards into *Poland* and *Transilva-*
nia. — All this is not a little faulty. A
Man, who, in the Reign of a Catholic
Princess, is obliged to leave *England*, went
thither, undoubtedly, under a Protestant Go-
vernment. Ochino must, then, have gone
to *England* in *K. Edward's* Time. Now,
according to *Spondanus*, before he went
over thither he had quitted *Geneva*, because
he feared the Fire which had burned *Servetus* :
The soonest, then, that he left *Geneva* must
have been in 1553. How then could he go
over to *England* under the Reign of *K. Ed-*
ward ? That Prince died in the Month of July,
1553 ; and *Servetus* was not burned till the
Month of October, in the same Year. Our
Annalist is here fallen into an Excess of Negli-
gence. Besides, it is false, that Ochino was
forced both from *Zurich* and *Basil*, before he
left *England*, under the Reign of *Q. Mary* :
For he was not expelled from *Zurich* till in
the Year 1563. — *Spondanus* adds :
In *Poland* he composed a *Dialogue* against
the Sect of the Gods of the *Earth* (meaning
the *Swiss* and *Geneva* Ministers) and after-
wards

wards diverse other *Dialogues* abounding with *Atheism*, wherein not only *Polygamy* was defended, but also the *Holy Scriptures*, the *Divinity* of *Jesus Christ*, the *Trinity*, and even the *Deity* itself were attacked. --- Neither is this any way exact. The *Dialogues* in *Question* were the *Occasion* of his being expelled *Switzerland*, and of his going thence to *Poland*. He did not, therefore, compose them in *Poland*. These *Dialogues* do, certainly, contain several *Errors*; but no *Impieties*: And it is not true, that *Ochino*, one of the *Interlocutors*, does always acknowledge *Victory* to the *Adversary* he gives himself (18). *Bzovius* has fallen into some *Mistakes* of the same *Kind*. He will have it, that *Ochino*, forced to leave *Cracow*, escaped into *Transylvania*, and there wrote certain *Dialogues*; and that those *Dialogues* were afterwards translated into *Latin* by *Castalio* (19). This is committing three *Blunders*. 1. Those *Dialogues* were composed before the *Author* went to *Poland*. 2. He went not into *Transylvania* from *Poland*. 3. *Castalio* died before *Ochino* left *Poland*.

(G) *Ochino*, by his *Flight*, extremely chagrined the *Pope*.—— So great was this *Chagrin*, that the *Pope* had a *Design* of venting his *Indignation* upon the whole *Capuchin Order*,

(18) *Spondan. ad ann. 1547. num. 22.*

(19) *Bzovius, ad ann. 1542. num. 30. pag. 88.*

Order, by utterly abolishing it : Nor was it without Difficulty that he could be appeased, even when he was convinced that the Delinquency was merely personal (20). This Passage M. Varillas (21) can scarcely believe ; because it seemed to him, that Paul III. was too able a Politician, ever once to think of giving Ochino Occasion of boasting, that the Catholics had thought him considerable enough to take Vengeance on an intire Order for the Loss they had sustained in his Defection. The Incredulity of this Author is more excusable, than is the Liberty he has taken to Paraphrase Spondanus : For, doubtless, he had that Original in View when he spoke of our Ochino. Reflect well on Spondanus's above-cited Words ; and can one there find, that the Resentment of this Pontiff proceeded from the Imprudence whereof Ochino was guilty, in crouding into that Piece of his, all whatever could possibly be imagined most injurious to the Religion which he had just renounced, and most venomous against the Holy See in general, and the Person of Pope Paul the Third in particular. Nevertheless, M. Varillas has therein found out every one of these Particulars. I deny not but that Spondanus has observed (22) our Monk's said Apology to be full of injurious

(20) Spondan. *ad ann.* 1547. *num.* 22.

(21) Hist. of Heresy. Lib. XVII pag. 64.

(22) I cite these Words in Remark (Q) Citation (58).

ous Expressions against both the Holy See and the Catholic Religion.

(H) They (*Martyr and Ochino*) repassed the Sea, &c. — *We are now to examine a Historian whose Exactness is not abundantly preferable to that of Spondanus : I speak of Father Maimbourg. He pretends, that Ochino, driven away from England, forsook the Company of Peter-Martyr, and retired into Poland, that he might be there at Liberty to make Profession of Arianism (23). This was he (says this Writer) who composed certain Dialogues, replete with a thousand execrable Blasphemies against Jesus Christ and the Holy Ghost : But as he had the Impudence to preach up Polygamy, and to dedicate to K. Sigismund Augustus a Book wherein he attempts to prove its Legality, he was constrained to quit Poland, where the People began to rise against him. ---- Ochino remained in Swisserland about Ten Years after his Return from England, and would willingly have ended his Days there, if he might have been permitted so to do, with the Retraction he had promised ; which shews that he held not long at Heart this Desire of being at Liberty to profess Arianism in Poland. The second Fault of this Writer consists in his going farther than he*

(23) Maimbourg's History of Arianism. Tom. III. pag. 353 of the Holland Edition.

he ought with regard to the Qualifications of the Errors interspersed in the Dialogues of Ochino. In a Word, he is ignorant that the Book concerning Polygamy was antecedent to his Journey into Poland. I very much doubt whether Ochino did ever dedicate to King Sigismund any Book upon this Subject. The Bishop of Amelia would scarce have omitted so notable a Circumstance. The Soci-nians are not so unacquainted with what passes; and they know nothing of this Book, but by having read, in Bzovius, that Ochino wrote it in Poland, and dedicated it to the King (24). I again say, I doubt not but Bzovius therein reports a great Falsity; and I do not at all believe, that Ochino did ever preach in Behalf of Polygamy. He contented himself, if I mistake not, with writing what he really thought of the Matter; and had he preached it up in Poland, the Bishop of Amelia, who was then on the Spot, must have known it, and would certainly have taken public Notice of it.

(I) Ochino was at Basil, in 1555, &c.— This appears from the Letters of Olympia Fulvia Morata: viz. *Salutem dic meis verbis tuæ familiæ, & D. Bernardino Ocello quem in Christo valde diligo.* This is the Conclusion of a Letter she wrote from Heidelberg,

(24) Bzovius, *sub ann.* 1542. *num.* 30. and in *Bibliothec. Anti-Trinit.* pag. 5.

delberg, to Curio, dated May 7. 1555 (25). Curio resided at Basil. He answered her the 26th of August next ensuing, giving her to understand, that he had executed her Commission: Tuo nomine salutavi — Bernardinum Ocellum, senem doctissimum & sanctissimum (26). In another Letter (27) we read: Audio Bernardinum Ocellum Senensem, virum sincerè Christianum, ex Angliâ Genevam profugisse. This Letter was not written in 1555, as the Bibliotheca Unitariorum (28) has it, but in the Year 1554.

(K) Which Dialogues, among other Errors, contained that of Polygamy, &c. — The whole Book contains XXX Dialogues, whereof the XXIst is this which treats of POLYGAMY. Ochino wrote them in Italian: Castalio translated them into Latin, and caused them to be printed at Basil, in the Year 1563. Some Senators of Zurich received certain Letters from Foreign Parts, acquainting them, That Ochino had published a Book, wherein he taught Heresies; and, in particular, named that of POLYGAMY. This occasioned the Senate's sending the Ministers. These declared; That they, being informed of

(25) Lib. II. pag. m. 168. The Date of the Year is omitted; but Curio's Answer, bearing Date, the 7th of the Calends of September, is sufficient Testimony of my having put the right Date.

(26) Curio, *ibid.* pag. 169.

(27) Pag. 178.

(28) Pag. 3.

of Ochino's having in the Press certain Works of his which it would be better he should suppress, had been to exhort him to call to Mind, that he had promised not to publish any Thing without the Approbation of the Synod. *They added* (29), 1. That, understanding his Book was already printed off, they complained to him of the little Regard he had to their Remonstrances. 2. That he excused himself by alledging, that his Book was at Press when they gave him their first Admonition. 3. That, notwithstanding he argues both *for* and *against* POLYGAMY, they clearly enough perceive, that he approves of it. 4. That they had received Letters full of Complaint against the rest of his *Dialogues* also; and that they would examine the whole Work attentively. 5. They, in particular, admonished the Author, as well before as after the *Sentence* of the Senate, to make an Orthodox Explication of his Opinions; but that they could not in the least prevail on him to come to any such Explanation. *The Sentence runs thus* (30): Quoniam Ochinus, contra leges & edicta Magistratum, librum publicasset quem fatius erat
[b] suppressi

(29) Simler, in the Life of Bullinger; folio 39.

(30) Idem ibidem.

supprimi (31), & cujus nomine Ecclesia & Respublica malè audit, ideo se velle & jubere ut quam primum ex urbe & agro Tigurino discedat.

(L) *Andreas Dudithius* complains, to *Theodorus Beza*, of their Rigour, &c. Tho' our Work is not a Book of Controversy, it ought not to be ill taken, if I say, that *Beza* is not over-candid in his Reply to *Dudithius*: He seeks only to shew his own Wit, and to cast a Mist before his Adversary's Eyes. This may be judged by comparing the Objection with the Reply. *Ochinum præterea narras, indictâ causâ hyeme acri, decursâ jam ætate senem, cum uxore & liberis Tiguro ejectum.* Thus *Dudithius* lays the Objection (32). It renders odious the Zurich Sentence, in three Respects. 1. By Reason the Cause had not been examined. 2. By Reason they had not the least Regard to the Rigour of the Season. 3. By Reason of their exposing to the Inclemency of the Winter a Person loaded with Years, and incumbered with a Family. To the first Point *Beza* replies: That it is a Falsity, most injurious to a just and pious Senate, for any one to dare assert, that *Ochino's* Cause had not been examined: That, in Truth, every Particular had not been

(31) Would they speak so of this Book, were it such as it is represented by *Father Maimbourg*, who undoubtedly, never once even saw it? See at the End of Remark (P).

(32) *Beza* Epist. Prim. Oper. Tom. III. page. 150.

been over-narrowly scrutinized ; but that was merely thro' a Motive of exceeding great Clemency (33). *To the Second* : That Ochino had not quite a Day's Journey to go (34) *To the third* he says : That the older he was, the more criminal (35) ; and as to the rest, he had already buried his Wife. Now his Answer to the first Article is extreamly bad : For it is very certain, that the Senate of Zurich condemned Ochino, not only without hearing him, but even without causing his Dialogues to be examined. The Ministers, when consulted by the Senate, returned no positive Answer, with Relation to any one Subject but Polygamy : In general they said, that Letters of Complaint against Ochino's Dialogues had been sent them ; and they promised to examine deliberately into the Matter : But, in the Interim, what did the Senate ? They decreed, that Ochino should quit the Town, and whole Canton, instantly. Simler, whom, as Professor of Zurich, it concerned still more than it did Beza, to set this Affair in the best Light, relates the whole precisely as I do. To say, that if every particular Circumstance has not been examined into, with the utmost Nicety, it was the pure Effect of an Excess of Clemency,

[b 2]

(33). Idem, *ibidem*.

(34) Idem, *ibidem*.

(35) *Ibidem*.

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cy, is a vain Subterfuge, which every Judge in the World equally might make Use of when they condemn one of the Parties without hearing him. Nor is the third Reply a Whit better ; it tends to the over-turning a Maxim of Common Sense, and general Acceptation and Practice. Age is respected, even in Criminals : And if two Men, one aged Seventy and the other Forty, were condemned to the Torture, they would order it to be inflicted with less Rigour on the Old Man, than on the other. So that the advanced Age of Ochino abundantly helps to render the Zurich Sentence odious, but not to excuse it. Would Beza have employed his Wit to a good Purpose, he should have adhered to the Maxim of Dudi-thius, and made Answer ; That, in Effect, the Magistrates of Zurich had Consideration to Ochino's Grey Hairs, and that they would not have contented themselves with only banishing him, had he been a young Man. Thus he should have answered ; and not have had Recourse to a Maxim which establishes ; That the older Heretics are, the less worthy are they of the Judge's Clemency. As for the Second Reply, it is far from being candid ; for it insinuates, that all the Trouble or Inconvenience attending Ochino, consisted in taking a Journey of five or six Leagues. That would have been properly said, could he have found Shelter near at Hand : But
we

we have seen that he could not obtain Permission to pass the Winter any where in that Neighbourhood. Beza knew this very well; nor was he ignorant, that Dudithius could give still a greater Force to his Objection from the Behaviour of those of Basil. They cannot then believe that this Answer to Dudithius was a good one: For this Man's Aim was no other, than to reproach the Protestants on the other Side the Rhine with the Severities they exercised on their Heretics. Among other Instances, he alledges this, used by the City of Zurich to Ochino, in banishing him thence in the very Middle of Winter. They reply: That this Banishment exposed him only to the Fatigue of a five or six Leagues travelling. Ochino, then, at the End of his five or six Leagues Journey, did meet with a Resting-Place: For in case he did not then find Shelter, but, on the contrary, a good Protestant Senate who drove him away, the Objections of Dudithius, grounded on the Circumstance of Time, remains in its full Force, with regard to the View he had of making Ochino to be a signal Example of the severe Humour of the Evangelics. It is morally impossible for Beza not to have known that; nevertheless he chose rather to answer as he has done, than not to answer at all. He was very careful of not giving to understand, that he had the least Intelligence of what

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Passed at Basil (36): The narrow Extent of the Canton of Zurich furnished him with a small Spark of Fire, a little Stroke of Subtilty; he makes Use of it, and hopes, undoubtedly, therewith to dazzle his Readers.

(M) Ochino was then Seventy-Six Years of Age. &c. — Petrus Perna affirms it, in his Letter to Czechocovicus. I have not read it; I have only seen it cited (37). On this Footing, Gratiani is mistaken, where he advances; That Ochino became a Heretic at Sixty Years of Age; without considering (38) either his Years, his Profession, or the Vow of Chastity he had made, being a Priest, a Capuchin, and Sixty Years old, the first Step he took was to marry a young Girl. Ochino quitted his Cloister, and retired to Geneva, in the Year 1542. At that Time he could not be Sixty Years old, nor above Fifty-five at the very utmost, if it be true, that when he was banished from Zurich, in 1563, he was only Seventy-Six Years of Age.

(N) If one may give Credit to Card. Commendon's Historian, Ochino's Wife died

(36) I mean Ochino's Banishment: For, as to the rest, he acknowledges the *Dogma* of that Heretic were condemned. By his Words, one would judge, that Ochino went from *Basil* of his own Accord; tho' nothing is more certain than that he had Orders to be gone immediately: Was it honestly done in him to suppress this Fact?

(37) *Bibliotheca Anti-Trinit. pag. 3.*

(38) *Life of Card. Commendon. pag. 208.*

of BARNARDINO OCHINO. XXXI
died of the Plague, &c. — — I make
Use of this Reserve, because he is mistaken,
with regard to the Wife. Ochino was a
Widower when expelled Zurich; and there
is no Appearance of his having remarried
again. It is Beza who informs me of Ochino's
being a Widower; nay even intrudes himself
into the impenetrable Judgments of Providence,
and, in a Theological Style, assures us, that
Ochino's Wife broke her Neck, divine Justice
pursuing this wicked Heretic Home to his own
House, before his detestable Impieties became
manifest. At uxorem & liberos habebat;
is Part of the Objection of Dudithius. To this
bear what Answer Beza makes (39). De
Uxore falsum est, quod ex bono Alciato
sive quovis alio cognovisti. Stanislaus Lu-
bienietzki (40), gives us the following Ac-
count of Ochino's latest Moments. — Ochino
withdrew himself into Moravia, and thence
into Poland; and was never out of the
Reach of John Calvin's Letters. He re-
turned to Moravia, upon the Edict of K.
Sigismund, which, in the Year 1564, pro-
nounced Banishment to all those called Tri-
theists, Arians, &c. Certain of the Nobili-
ty endeavoured to retain him; but he told
them, that he must be obedient to Magi-
strates,

[b 4]

(39) Oper. Tom. III. pag. 190.

(40) Hist. Reform. Polon. Lib. II. Cap. IV See also
Budzinius, Hist. Eccles. Polonicar. M. S. apud Bib. Anti-
Trinit. pag. 3.

strates, and obey them he would, even were he sure of perishing among the Wolves of the Forests. While he was making the best of his Way, the Pestilence seized on him at *Piaczow*, and there he received a thousand charitable Offices from one of the Friars, named *Philippovius*. His two Sons and his Daughter (41) were carried off by that Distemper. As for himself, he recovered, and continued his Journey towards *Moravia*; and within three Weeks died at *Slavonia* (42). *Lubienietzki* knew not of any farther Circumstances. I find not in any good Authors, that *Ochino* ever was in *Transilvania*; for *F. Maimbourg*, who asserts it, is not therein a Witness of Authority. He was constrained, says he, (43), to quit *Poland*,—and after having wandered about some Time longer in *Transilvania*, at length, overwhelmed with Want and Misery, he retired to a certain Village, where he died of the Plague, abandoned by all. For this the Bishop of *Amelia* is cited, who mentions not a Syllable either of this Extremity of Want, or his being so generally abandoned; but on the contrary, assures us (44), that *Ochino* finished his Days at the House of one

(41) *Gratiani*, on the contrary, says, his two Daughters and his Son.

(42) I believe it should be *Slaucovia*.

(43) *Hist. of Arianism. Tom. III. pag. 352.*

(44) *Hist. of Card. Commendon. pag. 213.*

one of his old Friends. According to Beza, he left considerable Wealth to his Inheritors (45). That was the last Stroke made at him, in the Reply to Dudithius ; that he was never ashamed of asking and taking, thro' which Means he had amassed great Store of Crowns.

(O) The Circumstances of his Death are variously reported, &c.—— In the preceding Remark, I have given diverse Proofs: Take one more here. The Capuchin Annals assure us, that he died a good Catholic (46). On the contrary, others (47) will have him to have died not only abandoned by all the World, the most wretched of all Mankind, but also an Atheist.

✠ Theoph. Reynaud relates ; that there were some People who were scandalized at his having written ; that Ochino died miserably, in the Communion of the Arian Heretics, and not a Martyr at Geneva, repenting his Apostacy. Those People made their Complaints thereof to Jean de Montecalier, General of the Capuchins. This induced him to read over Theoph. Reynaud's Book (48) ; but he

[b 5] found

(45) Beza, Epist. ad Dudithium. Oper. Tom. III. pag: 190.

(46) Spondan. ad ann. 1547. num. 22. He cites the Annals of the Capuchins, ad ann 1543. See Remark (AA).

(47) Moreri is of this Number.

(48) Intitl'd Judæ posterii Apostatæ a Religione Ordinibus.

found in it nothing which seemed to him worthy of Censure. By this you have a Taste of the unaccountable Caprice of the Capuchins: They are angry because People would not adopt Fables, which might make the World believe, that B. Ochino was desirous of returning to their Order, and that on this Account he was murdered. The Author, whom they refer to their General, observes, that, in speaking of the miserable End of this Heretic, he has followed the Narrative of Andreas Frusius, and that Toffinien (in the 2d Book of L'Histoire Seraphique) Florimond de Remond (in Book 3. Chap. 5. of L'Histoire de L'Hereſie) Artus de Munster in the Martyrology of the Franciscans) and in general all who have written before the Year 1630 (49) have thus spoken of the Death of Ochino (50).

(P) He composed diverse Works, a List whereof, &c.— He published six Volumes of Sermons in Italian; an Exposition of St. Paul's Epistle to the Romans; a Comment on the Epistle to the Galatians; a Treatise of the Lord's Supper, against Joachim Westphalus; the Labyrinths of Predestination and Free-Will; Apologhi (51); a Dialogue

(49) This is the Date they give to the Annals of the Capuchins, compiled by Boverius.

(50) See Remark (AA).

(51) Which is translated from his Italian, into German, by Christopher Wurfungus.

logue of Purgatory, &c. I do not believe, that he ever published any Work in Latin; he composed all in Italian, which found Translators. Some of his Performances have been translated into several Languages. [Here follows a pretty large Account of his Labyrinths and Narrative of the Mass, and some of his Dialogues, for which I remit the Curious to M. Bayle himself.] Sleidan observes, that, in 1549, there appeared a very bitter Satire against Pope Paul III. which was not written by Ochino, tho' his Name was in the Title-Page (54) — [N. B. 52 and 53 are omitted, as belonging to the Matter referred to in M. Bayle] — I have already made Mention of the XXX Dialogues, which occasioned Ochino's Banishment: But I must here take Notice, that Father Simon (55) speaks thereof very much to the Purpose. He acknowledges the Author does not therein make open Declaration of his Anti-Trinitarian Heresies. He has not therein, says he, wholly declared himself a Unitarian; he only advances Reasons for and against on either Side — In his Dialogue on the Trinity, he at large produces the Arguments both of the Catholics and the Anti-Trinitarians; and pushes to a very

(54) Hist. Lib. XXI. fol. m. 602.

(55) He mistakes in fixing Ochino's being called to Zurich in 1562; and in making Melchior Adam to be the Author of the Life of Bullinger: It was written by Josias Simler.

very great Length the Reasons of these latter, under Pretext of answering them (56). Bullinger (57) *affirms these Dialogues to have been burned, in a very considerable City.*

(Q) But they have omitted — the *Apolo-*
logy he wrote, &c. — Baronius [or
rather one of his Continuators] *says of it*
thus. Genevam appulsus Apologiam de
 fugâ suâ ad Pontificem scripsit, maledicen-
 tiis & calumniis in sedem Apostolicam &
 Ecclesiam Catholicam Rom. refertissimam
 (58). Cardinal Gio. Pietro Caraffa, after-
 wards Pope Paul IV. wrote an Answer to it,
 which Answer is inserted in the History of the
 Theatines (59).

(R) It is wrongfully, that some have af-
 firmed him to be the Author of --- *De Tri-*
bus Impostoribus. — The Author of the
 Notes upon Religio Medici does not affirm it,
 but contents himself with doubting it: Nescio
 an Barnardinus Ochinus — an alius hujus
 auctor sit (60). Macrælius is also content
 to do the like (61): But Scavenius affirms it.
 See

(56) Hist. Crit. of Comment. on the N. Test. Cap. LV.
 pag 831.

(57) Apud Buxhorn. Hist. Univers. pag. 74. ad ann.
 1552.

(58) Spondan ad ann. 1542. num. 22.

(59) Idem, ibid. See also M. Varillas, Hist. of Heresy,
 Lib. XVII. pag. m. 64.

(60) In Sect. XIX. pag. m. 126.

(61) Syntagm. Hist. Ecclesiast pag. m. 863.

See what Rhodius says of it (62) towards the End of Placcius's Book, De Scriptoribus Anonymis: Among the rest he declares; He does not know that any ever objected against Ochino's other XXIX Dialogues. It is strange that a Man so learned as he, should make such a Declaration. I have above (63) set down a good Number of Facts which justify the contrary.

(S) That he promised the Cardinal of Lorrain to convict the Protestants, &c. — *The Fact is directly thus, as related by Simler (64). Ochino met with this Cardinal on the Road to Shaff-house, and told him; That he was so unhappy as to be banished, on Account of a Book of his, which he wrote with no other View than of justifying, against the Objections of their Adversaries, thirty Truths, of difficult Belief, which he had found in the Reformed Religion. He presented to the Cardinal a few Copies of his Dialogues, and intreated him to read them. Answer was made; We shall see them; and if we like them not, they shall be thrown into the Fire. Ochino added, That he would engage to convict the Reformed Churches of twenty-four Errors. Take away twenty of them, replied the Cardinal, and the Remainder will be but too many.*
Beza

(62) Pag. 33.

(63) See Remarks (F), (H) and (K).

(64) In the Life of Bullinger, pag. 40.

Beza reports the same Fact, and delivers it as a very great Certainty: But he very considerably inhances the Number (viz. 100) of false Doctrines which Ochino promises to confute. Adding, that the Cardinal utterly condemned this Apostate Monk (65).

(T) What relates to Ochino has been much exaggerated, &c. — Besides what has been above touched upon (66), I shall here add, that it is not a faithful Report of his Doctrine to say, with Gratiani; That he endeavours to prove, by Examples and Reasons drawn from the Scriptures, and from Politics, that it is meet for all Mankind to labour to people the World, and do what they can to raise up a numerous Family; and that every Christian is not only permitted, but even enjoined to have as many Women as he pleases (67). Read the Beginning of the Dialogue on Polygamy, you will find the State of the Question to be this: Whether a Man, who is desirous of having Children, and who is married to a barren, unhealthy Wife, and with whom he cannot agree, may not marry another Woman, without putting away his former Wife? Ochino lays the Supposition, that he is consulted on this Case of Conscience: He assumes to himself the Negative Side; and hav-

ing

(65) Beza, Oper. Tom. III. pag. 190.

(66) See above the Remarks F) and (H):

(67) Life of Card. Commendon. pag. 211.

of BARNARDINO OCHINO. XXXIX
ing put into the Mouth of him who consults
him such Reasons as most make for a Plura-
lity of Wives, and having made weak Replies
to several good Arguments, he concludes with
counseling his Disputant, to have Recourse
to Prayer; and assuring him, that if, with
a strong Faith, he prays to God for Conti-
nence, he shall obtain it; and lastly; that, if
God will not grant either the Gift of Conti-
nence, or that Faith which is requisite to ask
for it with Success, one may then, without
finning, follow the Instinct which one may
certainly depend comes only from God.
And is this Dogmatizing, That the Gospel
commands Christians to marry as many
Women as they please! Ochino is, doubt-
less, in a Fault, and introduces Fanatism*.
But, as Justice ought to be done to every one,
it must be acknowledged, that there is abun-
dance of Insincerity used in the Writings which
treat of his Doctrine.

(U) M. Varillas exhibits several glaring
Falsities concerning this Unfrocked Capu-
chin. Let us range them by Articles.

I. I doubt not in the least, but that his whole
Narrative of the Quarrels between Ochino and
Calvin is a meer Romance, which he either
invented, or stole: But I avow, as a notori-
ous Certainty, that he is out in affirming (68);
That

* [M. Bayle's own Word.]

(68) Hist. of Heresy. Lib. XVII. pag. m. 65.

That Ochino did, at Geneva, attack the *Trinity*, aiming to bring a-new upon the Stage the *Arian Heresy*,--and that he published, on this Subject, a thousand Extravagancies, in *Libels*, which he wrote in *Italian*, and which were, by his Friends, translated into *Latin*. This one can demonstrate to be a *Falsity*. Ochino was gone from Geneva before the Year 1547; for which I have given Sleidan's own Words, affirming it. Calvin (69), in a Book by him published in 1550, speaks of him very handsomely. He had not as yet remarked these horrible Heresies of Ochino: And besides, would they, in 1547, have sent over to England an Unfrocked Capuchin, of whose *Tritheism*, or *Arianism* they were conscious? But we need no other Proofs against M. Varillas than the Passages of Beza (70); who testifies, that Ochino most carefully concealed the Heresies which lay lurking in his Soul; nor were they perceived but by the Impression of his Dialogues. This Impression was not before the Year 1562. — The Friendship which Bullinger (71) had for him, before this Book appeared, is likewise a most incontestible Evidence of the same Fact. Beza seldom mentions Ochino, without observing, that he for a long Time acted the Hypocrite (72), (73).

(69) De Scandalis.

II.

(70) Beza, Oper. Tom. III. pag. 190.

(71) See the Life of Josias Simler Fol. vers. 28, 39.

(72) Epist. LXXXI, Oper. Tom. III. pag. 295.

(73) In Icon. in Petro-Martyre.

II. Next comes another Romance. It is surprising (*says he*) that Calvin contented himself with causing him to be forced away from Geneva, and did not put him into the Hands of Justice, to be burned, as he has since done by Servetus, who was guilty of the like Crimes (74). M. Varillas searches for the Reasons of this partial Procedure, and produces two or three; after which he adds That Ochino was banished from Geneva by the Senate's Order, and that, he retired to Basil. One must have a great deal of Time lying on ones Hands to be at Leisure to seek for Reason to a Chimera: We ought first to verify the Fact, and seek Reasons for it after. It is false, that Ochino was banished from Geneva, or that he there published his Heresies.

III. He had suffered at Basil (continues M. Varillas) a long and severe Persecution, because Calvin's Friends were there very powerful, if Bucer, who run into the Measures of all Sorts of Heretics, had not caused the Magistracy of Strasburg to make Offer of a Divinity-Doctor's Chair to Ochino, of which he accepted. The same Bucer carried both him and Vermilli over with him into England. I have neither Time nor the Books requisite to collect convincing Testimonies
against

(74) M. Varillas, Hist. of Heresy, Lib. XVII. pag. 65.

against this Narration of M. Varrillas ; but I am certain, that all reasonable Persons will rest satisfied with Sleidan's Silence in these Points. Would this celebrated Historiographer, whose Residence was at Strasburg, have contented himself with saying (75) (speaking of the Voyage of Peter-Martyr Vermilli, and Barnardino Ochino into England) That Ochino went first to Geneva, and thence to Ausburg ? Would he have made no Mention at all of this Divinity-Doctor's Chair, which Bucer caused the Magistracy of Strasburg to offer Ochino, and which he accepted ? He forgets not to say exprestly, that Peter-Martyr was a Professor in that City. I just now meet with something still more important. Ochino was at Ausburg in the Year 1546, and preached there in Italian (76). It is notoriously false, that Bucer carried over with him Ochino and Vermilli into England : He went not thither till 1549 ; the two others went over about the End of 1547.

IV. Again he says ; The Duke of Somerset had no great Cause to be pleased with their Procedure ; — Ochino, in secret, spread about his fantastical Dreams concerning the Trinity (77). This is a Thing spoken at Random, of which not one Testimony can be produced, and which very ill tallies with the

Encomium

(75) Lib. XIX. ad ann. 1547.

(76) See Seckend. Hist. of Lutheran. Lib. III. pag. 613.

(77) M. Varrillas, Hist. of Heresy. Lib. XVII. pag. 66.

Encomium (78) bestowed on Ochino by one of the most rigid Anti-Papists in all Englan.

(X) M. Moreri does not every where say what is right, &c. — I. He is wrong in saying; that Ochino put on a Religious Habit among the Capuchins, about the Years 1525, or 26: He should have said 1534. II. It was not in 1543, but in 1542, that Ochino and Peter-Martyr threw off their Frocks. III. I never yet met with any except himself, reproaching Ochino with having stickled for Polygamy, for his own particular Interest; or because, not contenting himself with one Wife, he must needs marry others. IV. It is also false; That, in order to justify his Libertinage and Incontinence, he published that Polygamy was permitted. When he published his Dialogues, he was a Widower, and seventy-six Years of Age. He had, at that Time, little Occasion, for the Interest of his own Person, or to gratify his Passions, to preach up a Permission of Polygamy; since, being a Widower, he might legally have married; and one Wife would have cut out more Work than a Man 76 Years old could

(78) Deum immortalem, quales illi duo senes peregrini, quos in urbem vestram recepistis (he speaks to those of Zurich) Petrus-Martyr & Bernardinus Ochinus? Quæ duo luminaria? quorum alterum si aliæ haberent Ecclesiæ, magno thesauro & ornamento dictatæ & beatæ viderentur. Fælix Anglia, dum hæc paria habuit! misera, dum amisit! John Bale, in his Preface in Act. Rom. Pontific.

could have known what to do with : He might very well have been contented, and reckoned himself a no ordinary Person, could he, at those Years, have supplied all the Necessities of a single Wife. So that it implies a very great Defect of Judgment, and an Excess of Ignorance in Circumstance, for M. Moreri to give out, that this Man sent abroad that Dogm, purely to justify the Desire of having a Diversity of Wives. It has been said of certain loose Casuists, that they had not the same Indulgence for their own Persons, as they had for those of others. The same may properly be said of some Authors who have written in Favour of Polygamy. One Lyferus (80) sacrificed his Time, his Health, and his Life in Behalf of the said Dogm : Nevertheless, he had not the least Necessity for a Permission of Plurality of Wives ; it being judged, that he would have been extremely put to his Trumps with only one. We must take Care, not to be so unjust as to say, that the Author of the Pastorals was in the same Sentiment as this Lyferus ; it suffices to say, that his Morals are a little too loose on that Article, and somewhat too favourable to Incontinence : I speak of the Moral Piece which he set forth, when he went about to excuse the Reformers, who permitted a Landgrave of Hesse to have two Wives at once

(79) See above in Remark (L).

(80) See Nouv. de la Rep. des Let. for the Month of April, 1685. Art. II.

once (81). Now, among all the Ministers, he was, perhaps, the Man who had the least personal Necessity for Polygamy. V. It is not true, that Ochino made himself Head of those infamous Libertines, called POLYGAMITES. Those People did not ever form a Sect; nor did Ochino leave any more Disciples, assembled in a Body, than did Lyserus. VI. It is false, that Ochino quitted Germany to retire into Transilvania; and still falser, that he made this Retreat, because he found not in Germany wherewithal to gratify his Ambition and Vanity. Being banished Zurich, he went for Refuge to Basil, and was driven thence. In like Manner he would have been driven from every Town throughout the whole Universe, where the Ministers had any Credit; so that, not being left to his own Choice, he had no Way but to take the Road towards Poland, and to cast himself into the Arms of the Heretics of those Quarters. Except God had shewed him Mercy, those who were so zealous in banishing him, or in counselling his Exile, will be called to an Account for the Loss of that Soul.

(Y) Florimond de Remond — has not been very exact, &c. — He says (82), that this Monk, quitting Germany, retired to Zurich, and

(81) See M. Bayle, in Art. LUTHER, Remark (R).

(82) Flor. de Remond, Hist. of Heresy. Lib. III. Cap. V. pag. m. 293, 294.

and that soon after they drove him thence, as from Basil, of which *Dudithius* makes Complaint, in his *Epistle to Beza*. This Man, says he, driven from *Swisserland*, passed into *Germany*, and afterwards into *Poland*. He wrote a Book on *Polygamy*, dedicated to *K. Sigismund II.* This Doctrine was by him preached up at *Cracow*, as writes *Rescius* the *Polander*. The whole Female Sex, in those Parts, were not less warmly alarmed thereat, than were the *Roman Ladies* of old, when deceived by the Artifice of young *Papirius*. Infomuch that poor *Ochino* (whom they accused of having left his Wife at *Geneva*, tho' she died of a Fall she got) was obliged to quit the City, and withdrew to *Transilvania*. He published certain *Dialogues*, which we have seen in diverse Languages. They were translated into *Latin* by *Castalio*. The whole of this is crouded with *Anachronisms* and *Falsities*, as may appear by what I have already advanced, on the Subject, in Contradiction to *Spondanus* and *M. Varillas*, or against the other Copiers of *Florimond de Remond*, the general Magazine of the Catholic Writers who treat of the Reformation of the 16th Century.

(Z) From him it is, that *Bzovius* has taken the Story of this Monk's Wife being reduced to earn her Livelihood by washing Linen, &c. — There is nothing in which Flori-

Florimond de Remond *so much delights, as in being witty on the Topic of Monks Wives. Let us examine after what Manner he expresses himself on the present Subject.* On their Arrival at Zurich and Basil (*says he, speaking of Ochino and Vermilli*) (83) the Occasion of their coming was suspected. The People, astonished to see those two great Preachers, whose Names rung throughout *Italy*, arrived among them, grew apprehensive of their being no better than crafty *Sinons*, who came speciously, visiting their Cities with a Design of hatching some treacherous Villany, and seducing such Souls as they should work upon. The Company which *B. Ochino* brought along with him, a pretty young *Italian* Wench, whom he had debauched under Pretence of making her his Wife, gave them much Assurance; as did likewise his Dress: For instead of his former coarse Frock, &c. he appeared like a Gentleman of the Army. In order to seal an indissoluble Contract with *Heresy*, he sealed a Contract with this Girl and married her. This is the *Gordian* Knot wherewith those whom Pride and fleshly Lusts spew out from Monasteries tie themselves to that Party. This *Ochino* resided some Time at *Geneva*, together with his Wife, who soon after was reduced to get her Living by
vile

vile and abject Offices and Services : For neither the one nor the other of them had brought much wherewithal to supply their Occasions. This was *Signora Ochino*, the Washer-Woman — (84). *Peter-Martyr* brought (85) along with him his little Nun, to comfort him in his Watchings and Labours. He had not done like to *Ochino*, who, weary of his Laundress, had dispatched her out of his Way: For notwithstanding *Beza* says, that she fell and broke her Neck, and calls to witness it *Alciatus*, that other *Arian*, who did so much Mischief in *Poland*, yet was it not a little suspected that *Ochino* had hastened her Journey ; touching which Matter they would not then make a too narrow Search, by reason he had not as yet declared himself an *Arian*, but carried the Face of a good Brother in Christ. Thus you have what this Historiographer has the Confidence to advance, without producing so much as a single Proof, either small or great, or without citing one Person. Such Procedure excuses me from farther Criticism.

Bzovius (86) has faithfully, and Word for Word, copied near six Pages (87) of the History

(84) Flor. de Remond, Hist. of Heresy. pag. 296, 297.

(85) Meaning when he went over to England.

(86) Bzovius, Annal. Tom. XX. pag. 87, & seq. ad ann. 1542. He cites the Author whom he copies.

(87) Viz. The Quarto Edition of F. de Remond.

of BARNARDINO OCHINO. xlix
tory of P. Martyr, and of B. Ochino, which
be found in Florimond de Remond (88).
He has not forgot the Passage which observes,
that P. Martyr had the same Appetite as
M. Luther, bestowing his Vows on the Re-
cluse Females, according to the Custom of
those who slip their Frocks off. Likewise
afterwards he always sighed for those
incloistered Virgins, who, under their
Veils, more easily preserve the Delicacy of
their Complexion. But he has not copied (and
I wonder at it) this other Passage (89); viz.
Notwithstanding Peter-Martyr was already
well burdened with Years, yet, not able to
bridle his Lufts, he went away for Geneva,
in order to get Sight of a certain Nun he
had Intelligence of, named *Catarina Miran-*
da, whom a like Appetite had brought
out of her Convent: Her he soon married.
He would not have any but of the Spoils of
Convents. *Brence* attacked him very severe-
ly: Also P. Martyr was preparing an An-
swer, being not a little piqued at the Inso-
lence of *Brence*, who indeed treated him
very unchristianly: But debilitated with the
Services he was obliged to render to his new
Nun, he fell sick and died at *Zurich*. [The
next Paragraph I omit, as not very material.]

[c]

(AA)

(88) F. de Remond, Hist. of Heresy. Lib. III. Cap. V.
pag. 293.

(89) Idem, pag. 297.

MEMOIRS and TESTIMONIES

(AA) *I shall meddle only with what relates to the Martyrdom.* Bzovius, repeating the very Words of Zacharias Boverius, Author of the Annals of the Capuchins, reports, that Ochino, residing at Geneva, was taken ill, and underwent most terrible Pangs of Remorse, which obliged him privately to send for a Priest of the Neighbourhood; that he confessed to him his Sins, and demanded of him to be re-admitted within the Pale of the Catholic Church, since he heartily repented of his having gone out of it, and for having preached *Heresies* for near fifteen Years (90). The Priest administered to him the Sacrament of Penance, and represented to him the Necessity of his making a public Retraction of his *Heresies*. This Ochino promised him to perform, when recovered of his Indisposition; or if he did not recover, to make a frank Declaration of his Conversion to his Disciples, and to all who came to see him. On these Conditions, he received Absolution, and was re-united to the Church. He required to have the Communion administered unto him: But the Priest, apprehensive of Danger in bringing him the Viaticum, comforted him with St. Augustine's Words, *crede & manducasti*; believe, and

(90) *Note this Date*: It proves that Ochino must have been murdered at Geneva about the Year 1557, and it is incontestably proved, that he was banished from Zurich in the Year 1563.

and you have eaten it. The Patient delayed not long declaring his Change to his Disciples whocame to visit him, and strenuously exhorted them to follow his Example, in abandoning the *Heresies* he had taught them. They at first thought him Light-headed ; but afterwards perceiving that he spake seriously, they acquainted the Magistracy. The Magistrates ordered them to return and inform themselves whether he persisted in those Sentiments ; and, in such Case, they commanded them to kill him. The Disciples executed these Orders : For they no sooner heard the exquisite Discourse he made them concerning *Repentance*, but they poigniardeed him in his Bed. Others assure us, that, by a Decree of the Magistracy, he was dragged without the City Walls, and there stoned to Death (91). The Capuchins *Analist* alleges the Testimonies of seven Persons, specifying their Names and Qualities. At the Head of the seven Witnesses we find a Doge of Venice ; the others are all Persons of good Consideration, either by Birth, or the Offices they held in diverse Monasteries : But not one of them all gives us any farther Assurances of the Fact than that he heard it reported. To these Testimonials is added what is acknowledged by Beza (92) ; which is, that Ochino

[c 2]

at

(91) Bzovius, *ad ann.* 1542. num. 68. pag. 96.

(92) Beza, in *Icon. in Petro Martyre.*

iii MEMOIRS and TESTIMONIES

at last discovered himself to be a very great Hypocrite (93); but, as Theo. Reynaud has very well demonstrated (94), by a Letter written by Beza (95), his Hypocrisy did not at all consist in any Manner of Revolt to Catholicism, but in adopting the Heresy of the Anti-Trinitarians, &c. Note, I beseech you, with how little Judgment the Monks compile the Chronicles of their Orders! There are literal and incontestable Proofs, that Ochino took Sanctuary among the Sectarians of Poland, and that he died in those Parts; and yet the Capuchins scruple not to give out, that he died a Martyr for Catholicism at Geneva; and find it strange to have the same doubted of, or called in Question (96), as is observed above.

Thus far M. Bayle. — Indeed these his curious Testimonies of our Author do not here appear so regular and comprehensive to a Reader, as they do in the excellent Method he has observed in his most elaborate Collection, where every Reference lyes obvious to the Eye: But for that Defect, the Difference of Dimension between his Tome and this Volume, is a sufficient Apology.

In

(93) Ezovius, *ad ann.* 1542. num. 70, & seq:

(94) T, Raynaud. *in Syntagm. de Libris propriis. num.* 23. pag. 42. Apopompæi.

(95) That which he wrote to Dudithius. See Remark (L).

(96) In Remark (O) Quotation (48).

In 1622, one Brerely, a virulent Popish Writer (*Author of St. Augustine's Religion, The Reformed Protestant, and other Books of the like Stamp*) published, in Octavo, the *Lives of Calvin, P. Martyr, Bucer, Ochino, and other Reformers*. The Book I have not seen; but doubtless, he handles B. Ochino, and all the rest, as the Zealots of most Persuasions generally do their Adversaries.

Bishop Latimer, in the First Edition of his Sermons (1548, Octavo, Sermon III.) makes Mention of those two Scholars, Barn. Ochinus and P. Martyr, to be then in England, having an annual Stipend allowed them of 100 Marks each: And wishes, that the King were to bestow a Thousand Pounds in like Manner, for the Encouragement of Learning.

Mr. Fuller, under the Article of Sir Richard Morysine, or Morison, uses these Words: *Bernardine Ochine*, with his Wife and Children, did taste sufficiently of his Liberality: The same Bernard, I mean, who was a Prebendary of Canterbury in Archbishop Cranmer's Time, and a great Reformer: And Author of the *Dialogue of the unjust usurped Primacy of the Bishop of Rome*, translated, from the Latin, by John Ponet (afterwards Bishop of Winchester) London, 1549. Quarto. --- This I have met with: It is Dedicated to K. Edward VI. I am in-

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formed, that his Dialogue on Predestination is also extant in English, published about the same Time.

But I have now lying before me a choice little Book) of only 31 Leaves, 7 whereof are Preliminaries) in a small Octavo Size, bearing this Title, viz. SERMONS of the Right Famous and Excellent Clerke, Bernardine Ochine; borne within the famous Univerfityte of Siena, in Italy; nowe also an Exyle, in this Life, for the faithfull Testimony of Jesus Christ. — [Pfal. cvii.] I will not dye, but lyve, ande declare the Workes of the Lorde. — Imprinted at Ippeswyck, by Anthony Scoloker, Dwellyng in S. Nycholas Parryshe. Anno 1548. — Cum privilegio ad imprimendum solum.

These Sermons are in Number Six, very short, as may be judged by the Bulk of the Volume, and, in my Opinion, so good, that were not Sermon-Reading become so very unfashionable a Kind of Reading, as I am satisfied it is, I should be inclinable to get them revived. — The Editor thus Dedicates his Version.

Unto the Right Honourable Lorde Edward, Duke of Somerset, mooste deare Uncle unto the Kinges Majestie, and Gouvernour of his Royall Parson: And of his Realmes, Dominions and Subjectes Protector. —
Hys Graces mooste humble Servaunt, Richard

of BARNARDINO OCHINO. In
ard Argentyne, wisheth the Increase of Ho-
nour and Grace.

*What Master Argentyne says, in particu-
lar, to his Grace of Somerset, not being to
our present Purpose, I shall only borrow what
he has to lay down concerning our Author, and
his Work, which is this :*

To this Purpose, these six Sermons of the
famous Clerke, *Bernardinus Ochinus*, are
translated out of the *Italian Tongue*. The
Fyrst declaring ; What *Thynge God* is.
The Second ; Howe to knowe *God* by hys
Creatures. The Thyrd ; Yf *Phylosophye*
serve to true *Theologie* ; and in what Ma-
ner. Fourthly ; Howe we ought to use
the the *Scriptures*, in attayning the *Know-
ledge of God*. Fifthly ; Of the *Inconveni-
ences* that are happened, and dayly happen,
by the *Abuse of the Holy Scryptures*. Syxth-
ly & fynally ; Yf to be good *Divines*, it
behove us to have the *Humaine Sciences* or
not.—In his *Preface*, he has these Words.

As the Auethour hereof sufficientlye per-
suadeth thee, who (being a Man of great
Yeres and wonderfull Reputation) for the
Love of *Christ* and of the Trough, hath ra-
ther chose Exyle and Perfecucion then
Continuance of Wealth, Honours and
Frendship. A Man of profound Learning.
The moost notable Preacher in all *Italy*.
Famous for the great Example of hys good
Lyfe.

Lyfe. Esteemed and honoured of all Princes, not for his Age onely (being a Man of LXX. Years, or thereabouts) but also for his infinite Vertues and Modestie. And Finallye, so beloved of all People, that in what Place soever he preached, ther hath ever been founde great Praise of Audience. All this notwithstanding, at length (because he syncerely followed the true *Gospel*,) and dyd not forbear to reprehend the publike Abuses of the *Roman Church*) he was persecuted of *Paule* the Thyrde, and constrained to forsake *Italy*, and to flee into *Germany*: Where he hath not ceased, with his Penne, to followe the vertuous Exhortations that before-time, with hys Mouth, he preached. Hauynge thereby, at hys House (God be thanked) edyfyed the moost Parte of the good Understandings, in *Italy*, in the true and perfect Way of *Chryst*.

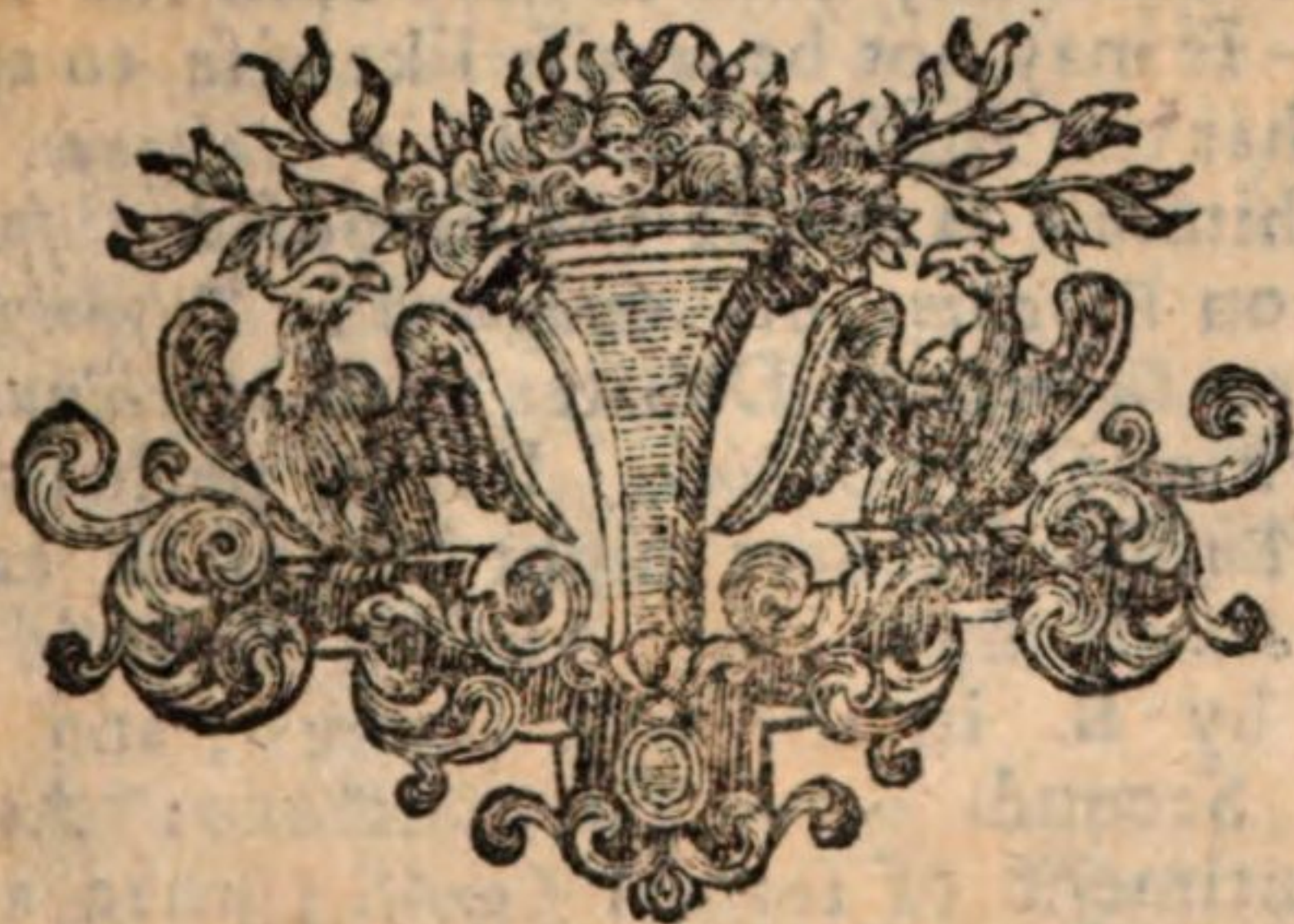
Also Anthony Scoloker (the Ipswich Printer of the said little Book) at the Conclusion of his — Unto the Reader (speaking of Prophets sent unto us oute of straunge Countries, that the Congregation thereby maye be edyfyed, and maye be bounde to render Thanks unto hym for hys infinite Mercy) says thus.

Amongest the which, *Bernardinus Ochinus* and *Petrus-Martyr*, Men of great Learning, whiche are nowe come unto us.
And

of BARNARDINO OCHINO. lviij

And for as much as the sayd *Bernard* preacheth in the *Italian* Tongue, which all Men understand not, I have set forth six of his *Sermoms* out of this Tongue into *Inglysh* ; intending to set forth the rest very shortlye (yf these shall be thankfully received) to the Intent that his Native Tongue may be made oures, and that the Glory of God maye the better be set forth.

N. B. *Between the sending to the Press, and my revising this latter Part of these Memoirs, I have accidentally seen a Second Edition of the above-mentioned Sermons of Ochino, bearing Date 1577, Octavo, with Nineteen more Sermons thereunto annexed.*



Advertisement.

TH E Editor here judges himself obliged to inform his *Readers* of these few following Particulars. — His first Intent was to publish only B. Ochino's curious *Dialogue on Polygamy*, from the MS. Copy kindly communicated to him by a Friend. He had indeed heard of its being already in *English*: But, being very scarce, could not procure it till about half the new *Version* was printed off. It was very welcome when found; and that for more than one Reason; but chiefly because accompanied with the same Author's *Dialogue on Divorce*, which is here revived from that Copy, *verbatim*, some few Orthographical Amendments only excepted: As for the *other*, it goes *literatim* after the MS. *Translation*, which doubtless will give Satisfaction: And indeed both the Learned Gentlemen seem to have done strict Justice to their Author. The former *Edition* bears Date, 1657, and is Dedicated to the celebrated Francis Osborn, Esq; who is also, by some, maliciously said to have been the Translator. — It may not be amiss likewise to animadvert, that the Author, in all his *Dialogues*, introduces himself as one of the supposed *Disputants*: In that on *Polygamy* his Antagonist is *Telypolygamus*; in that on *Divorce* he Debates with *Meschinus*; and in both himself is *Ochinus*: But as, perhaps, some of our *English* Readers might be apt to cavil at such hard Names, the Author now is represented by B. in the first *Dialogue*, and by A. in the Second. — To conclude: As it is the Sentiment of several *Curiosi*; that a good Collection of the best *Pieces* extant on these Topics would be acceptable to the Public, a competent Provision is made; and which, according to the Reception this meets with, shall appear with all convenient Speed. *Valete.*

O N

P O L Y G A M Y.

A

D I A L O G U E.

By B A R N. O C H I N O.

A. **I** Am come to request a little of your Advice ; as conceiving you want neither Will nor Ability to afford it me : Wherefore to you it is that I chuse to address myself.

B. Willing I most certainly am to give it you ; and also ready ; provided it be nothing beyond the Reach of my Capacity.

A. What I intreat you, in the first Place, is, that you faithfully promise to keep my Counsel.

V O L. I.

A

B. That

B. That you may depend on, if you advance not any thing tending to God's Dishonour.

A. I have a Wife, who so little suits with my Fancy, that I cannot by any Means relish her ; and, so far as I can hitherto perceive, she is not only barren, but unhealthy. Now, such is my Disposition, that I cannot be without a Woman's Company ; and am also desirous of having Children, as well for Posterity-Sake, as for the Pleasure I should take in educating my Off-spring in the Fear of God. I might, indeed, keep a Concubine, or two : But that my Conscience will not suffer me to do. Nay, I might wrongfully charge my Wife with Adultery ; and so get rid of her : But, in doing that, I should not only grievously offend the ALMIGHTY, but blemish my own and the poor Woman's Reputation, neither of which can I prevail with myself to offer at. One might likewise make her away by some Dose : But of that I abhor even the very Mention. Yet a Thought is come into my Head, which may make me easy ; and that is, in plain Terms, to marry another Wife, without parting from her I have already : And this, according to my Conception, God himself has put into my Mind, and that, by Him, I am thereunto called. My Desire, therefore, is,

is, that you will resolve me, whether according to his Word, I may not lawfully do it?

B. In Cases dubious, my Friend, Advice is very requisite. But, certainly, no Case can be more evident, than that a Man ought not to have more Wives than one at once; the very Condition of Marriage being such, that it cannot be between more than two.

A. How is it you make that appear?

B. At the Beginning our Creator made, out of *Adam*, one Woman only, and gave her to him; signifying thereby, *that he ought to have but one, and that Matrimony ought to be but of two Persons only.* Had it been his Divine Pleasure, that a Man should have had a Plurality of Women, doubtless He would have created more than one, especially in the World's Infancy, when Propagation was so much more necessary than for ever after.

A. This Argument, I conceive to be but of slender Validity. God, you say, gave to our Grandfire *Adam* one Wife; and therefore it is not lawful for any of his Male Posterity to have more.

B. Had it been, I say again, his Creator's Will, that he should have had more, he would have given him more, especially at that Time of Perfection in which He had vouchsafed to state him.

A. A mere Act of God, without any Precept thereunto annexed, does not absolutely injoin us to a strict Imitation of the same : Since, if so, we should be obliged to wear no other Garments but Skins, because God so cloathed our primitive Parents, and consequently our dressing ourselves in Cloth, Silk, &c. is unlawful. At that Rate your Argument would always be of Force : God cloathed them with Skins, and could have cloathed them with Cloth, or Silk, had it been his Pleasure, that Mankind should have been so cloathed. If an Act of God does as much bind us as a Precept, so that God's giving to *Adam* one Wife only was, in Effect, as much as if he had said ; *I will and command, that each Man shall have only one Wife*, it must follow, that not only it would be illegal for a Man to have more Wives than one, but likewise, that every Man who does not take to him a Wife (having it in his Power so to do) is guilty of the Sin of Disobedience ; which is repugnant to St. *Paul's* Doctrine.

B. You are to take Notice, that the Apostle does not, in any Respect, go contrary to God's Proceeding. God gave only one Wife to *Adam* : And that was the same as if he had expressly said ; *I will, that a Man have not more Wives than one : And it is my Pleasure he shall have one, except I call him to a*
Single

Single Life, by bestowing on him the Gift of Chastity. And this is St. Paul's Intent and Meaning. 1 Cor. 7.

A. And I, for my Part, must say, that when God gave to Adam one Wife, it was as if he had said; It is my Pleasure, that a Man shall have one Wife, if either he wants the Gift of Continence, or I shall call him to a Married Condition. It is also my Pleasure, that he shall have no more, except he stands in need of more, or I shall call him to more. Which is, at this present, my very Condition, who stand in need of, and am called to marry another.

B. That a Single Life is pleasing to God, the Word of God evidences: But we are not thereby taught, that He is pleased Men should have more than one Wife.

A. Nay, verily, both the Word of God, and the Example of Saints, teach the same, as shall presently be demonstrated. Mean while, let us pre-suppose, that it had been the ALMIGHTY's Will, that every Man should have as many Wives as he could possibly manage and govern, together with their Children; how many Wives must Adam have had given him, whereby to signify the Donor's Pleasure, in this Point?

B. You are supposing what cannot be: Since the having more Wives than one is utterly repugnant to the very Essence of real Matrimony.

BARN. OCHINO,

A. Hitherto, you have not cleared it up to me, that the having more than one Wife is repugnant to Marriage, otherwise than by saying, *that God gave to Adam one, and no more.* Let us now suppose he had given him more than one. Assuredly, from that original Instance you could not make good, that a Man ought not to have any more than *Adam* had. I say, therefore, in such a Case; how many Wives must God, of Necessity, have given to *Adam*, in order to signify the Divine Pleasure, in this Point?

B. Two would have been very sufficient.

A. Now, if that Act of God's had been a Precept, as you would urge, it would then have been unlawful for Men to have had either more or less than two Wives; which, nevertheless, would not have been conformable to his Will, seeing his Intent was, that they should have as many as they were capable of managing: Otherwise it would be sinful in a Minister to celebrate the Lord's Supper, except the Communicants were exactly in Number so many, and no more, as were *Christ's* Apostles, when the same was first instituted.

B. Notwithstanding, it does not necessarily follow, that, because God gave to *Adam* one Wife, it is therefore unlawful for a Man to have more; yet it, doubtless, is a very precious Argument to persuade, nay, urges strongly,

strongly, tho' it be not wholly compulsive.

A. Nay, nay ; it urges not at all : Since it may be alledged, that God gave to *Adam* one Wife, not to signify it to be his Will, that each Man should have one only Wife, but rather, that all Mankind in general, having proceeded as well from one Mother as one Father, should so much the more love and affect each other : Also that *Eve*, being formed of *Adam's* Rib, might be a Type of the Holy Mother Church, the only Spouse of Christ.

B. Well, but let us now draw nearer to the Words of the Text. Think you not, that *Adam* was moved by Instinct Divine, when he said ; *For this Cause shall a Man leave his Father and Mother, and cleave unto his Wife ?*

A. Doubtless he was.

B. And do you not observe, that in saying, *a Man shall cleave to his Wife*, not *Wives*, he instructs us, that a Man is to have but One ?

A. Mighty well : And, pray, when God commands a Man to love his Neighbour, does he oblige him to love but one, or more ?

B. All his Neighbours in general.

A. That is not so : For he expressly says, *Love thy Neighbour*, not thy Neighbours ;

therefore, whoever loves *one* of his Neighbours, does fulfil that Injunction.

B. Christ, when he said ; *Love thy Neighbour*, spake it in this Sense, as if he should have said ; *Thou shalt love every one of thy Neighbours*.

A. So likewise Adam, when he said ; *He shall cleave unto his Wife*, intimated, that he should *cleave* unto every Woman who was his *Wife* : And therefore, from those Words, it cannot be made out, That it is unlawful for a Man to have more than one Wife.

B. But what can you have to say to those Words of his which follow ; *And of them twain shall be made one Flesh* ? For he says, not of *three* or *four*. From these Words it is undoubtedly manifest, that he designed not that Marriage should be made between more than two Persons.

A. Adam says not, *Of them twain shall be made one Flesh* ; but, *They shall be made one Flesh*.

B. But that certainly was his Meaning, as plainly appears from the Words of Christ ; who, quoting the said Speech, says ; *That God, by Adam, declared, that they two shall be one Flesh* ; adding this Clause ; *They are no longer two, but one Flesh*.

A. That is, as if he had said ; *The Husband shall love every one of his Wives as if she were the same Flesh, and the same Body with*

with him ; and so, in like manner, shall every Wife love her Husband.

B. But God said ; *They two shall be one ; therefore they cannot be three or four.*

A. Your Argument would hold Water, had he said, *They two only shall be one.* And so, as all this is of no Force, Christ says, *Mat. xviii. If two of you, on Earth, shall agree about a Thing, they shall obtain what they ask.* Therefore, if three or four shall agree, they shall not obtain what they ask. So is this no sound Inference. God said ; *They two shall be one Flesh : Wherefore, if the Parties be three, it is not true Marriage.*

B. It is humanly impossible for more than *two* to become *one* Flesh.

A. In the Primitive Church, there were not only two Believers, but they were in very great Numbers, having, nevertheless, but one Heart, one Mind : Yet you believe, that, if a Man has diverse Wives, he cannot become one Flesh with them. *If a Man, while he cleaves to a Harlot, becomes, as St. Paul says, one Body with her, notwithstanding he has a Wife, should he not much more become one Flesh with her, if he makes her his Wife ?*

B. Say what you will ; to have more than one Wife is a Thing filthy, dishonest, and quite contrary, nay destructive to the holy State of Matrimony.

A. And yet *Abraham*, you know, had more Wives than one ; as likewise *David*, and abundance of others, under the *Old Law*. And had it been unlawful for them to have taken to them more than one Wife, they would have been Sinners in marrying several Women ; and what Children they had by all their Wives, except the first, would have been Bastards, because not begot in lawful Matrimony.

B. Much sooner will I grant all this, than I will allow, or grant it to be a legal Thing, for a Man to entertain more than one Wife. Those Ancients were pious, good Men, yet were they sometimes guilty of Sins. They were frail Sinners, as being born of *Adam*, as appears in the Example of *David* : And it would have been deceiving themselves, to have denied their being Sinners.

A. That they sometimes sinned, I shall easily grant. But I will never yield, that they continued in their Sins till their Death ; which yet they certainly did, in case it was unlawful for them to have several Wives : Whence it would follow, that they were all Damned, as are those who die while they persevere in entertaining Concubines. As for us, we cannot hold them for Saints, since we know not, for certain, that they ever repented. *David* having perpetrated those
Sins

Sins of Adultery and Murder, the LORD, because he was one of his Elect, sent to him his Prophet, to reprove him ; as, likewise, when he numbered the People, contrary to God's Command. It is, therefore, very credible, that, had the having diverse Wives been a Breach of Divine Law, God would have used the like Proceedings towards him, that he might have avoided Eternal Perdition. But peruse the Scripture throughout, yet you will not find one Syllable of God's having prohibited a Plurality of Wives : Nor is it probable that, had it been contrary to the Law of God, *Moses* would ever have dissembled the Matter. Nay, and the Scripture informs us, *that David was a Man after God's own Heart* ; and that, so long as he lived, *he was obedient to all the LORD's Commandments* ; excepting only in *Uriah's* Affair. So that, had it been a Sin to have diverse Wives, and seeing, also, that it was a Matter sufficiently known, and far from being a private Practise, the Writer would have excepted against it, or he must make himself a Lyar, by saying, *That David committed only that Sin of Homicide, under which his Adultery is comprehended.* Then again, how could that be true, which God said to *David*, when, blaming him for his Unthankfulness, He told him ; *That He*
had

had given him many Wives ; who, doubtless, must have been all Whores, except the first ; and so it must not have been God, but the Devil, who gave them to him. Moreover, you will there find God to have made a Law ; That if any Man had two Wives, the one beloved, the other hated, and by them had diverse Children, and of whom the eldest Male was born of the hated Woman, the Father should not be allowed to make the Son of his beloved Wife his Heir. Now, it might happen, that the beloved Woman was the first Wife, and so it might come to pass, that, tho' the Husband had Children by the latter sooner than by the former, yet, were your Assertions just, they would be Bastards, as being born of a Whore, and consequently incapable of being Heirs. By the Word of God it is, therefore, true, that all the Children are alike legitimate, tho' sprung from diverse Wives, by one and the same Husband ; and that, therefore, not only the first, but all the succeeding Marriages are lawful, seeing God himself did approve and bless them, in those holy Men the Patriarchs, or primitive Fathers of the World.

B. The first Consequence of my Opinion is, you say, That all who died actually possessed of a Plurality of Wives, must needs be Damned. To this I answer, That,

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in case they died, not having put away all but the first Wife, without repenting of that their Sin, in particular, they absolutely are Damned: But such of them as are Saved, did repent of the Sin, and divorce all except the first, and only lawful Wife.

A. But it is not apparent, that ever any did so; and yet, if your Opinion were true, Mention ought to be made thereof in Sacred Writ, whereby we might be given to understand, that to have a Plurality of Wives is a detestable Abomination.

B. It already was sufficiently known, that Men ought not to have any more than only one Wife, by reason that God had ordained, that the Husband and Wife should, of two, become one Flesh.

A. Far is it from being likely, that it was not lawful to have several Wives, and that the Unlawfulness thereof was known, yet that Abraham, Jacob, David, with other worthy Persons like them, should nevertheless openly marry more Wives than one.

B. That is really very good! As if many good, pious People, in ancient Times, did not sin, tho' they knew what they were doing to be unlawful.

A. But they did not persevere in those Sins to their Lives End, as did those who entertained a Plurality of Wives.

B. I

B. I told you before, that, *if they were of God's Elect, they did at last repent.*

A. But then, we ought not any longer to account those Patriarchs for Saints, and quote them for Patterns of Goodness and Piety, seeing we are assured of their having sinned, as you urge, by having a Diversity of Wives, but we have not any Assurance at all of their having repented.

B. True ; unless the Word of God assures us that they were Saints : As, for Example, we know *Abraham, Isaac and Jacob* to be Saints, because *Christ* says, that *many should come from the East, and from the West, and sit down, with Abraham, Isaac and Jacob, in the Kingdom of Heaven.* Now, I conclude, that *Moses* permitted the *Jews*, because of the Hardness of their Hearts, to put away their Wives without just Cause ; so likewise, for the same Reason, he suffered them to have several Wives ; that is to say, *he did not hinder, nor forbid it, nor punish the same, by any Law enact in his Commonwealth.* But it does not, therefore, follow, that they did not sin in the Sight of God ; nor that they deserved not Punishment, unless they repented.

A. Those Things are all permitted, which are neither hindered, forbid, nor punished. Truly, I will not say *Moses* sinned, if, to avoid a greater Evil, and to com-

comport with the *Jews* Hardness of Heart, he permitted them to have fundry Wives ; that is to say, *he neither hindered, nor punished them* : But, if he permitted them so as not even to forbid it them, I cannot say but that he did sin. For, *Moses* ought expressly to have forbidden, that any Man should have more than one Wife ; which because he has not any where done, we must needs conclude, that it is not a Thing unlawful.

B. Plurality of Wives was then, as it is now, so apparently vicious, filthy, and indecent, that it was needless for *Moses* to forbid it.

A. And was it not as apparent, that Adultery was a Thing vicious, filthy, and indecent ? Yea, incomparably more so than Diversity of Wives : Yet he very expressly forbad Adultery. But, in case it had been unlawful to have fundry Wives, he ought to have inhibited *that* so much the more expressly, by how much the Unlawfulness thereof was less manifest than was the Unlawfulness of Adultery. Is it not a clear Case, that Murder is unlawful ? Yet he forbids that. In short ; what are the Ten Commandments, but an express Epitome of the Laws of Nature ?

B. It might be said, that God *might remit the Transgressions against the Second Table,*

ble, because He is not only above all Creatures, but above his own Law: And, perhaps, He might remit the same to all Mankind, born before the Death of *Christ*, and, consequently, be willing they should have a Diversity of Wives, without Sin: And so it comes to pass, that they, under the *Old Law*, who had more Wives than one, did not sin; and, under that Consideration, God might give many Wives to *David*. Tho' it may, likewise, be said, that He gave them to him only thus; He permitted him to have them, inasmuch as He neither hindered, nor punished him.

A. If your Assertion be just, that the Unlawfulness of entertaining more than one Wife is clear from the Word of God, who said, *that two should be made one Flesh*; yet that God did so far remit of his Laws, that Men should not sin in having more, does not appear in God's Word: That Opinion of yours, therefore, has not any good Foundation.

B. If you will but recollect well, you will find, that *Lamech*, a very wicked Man, was the first who had two Wives. Other pious Men, who preceded him, knowing the Will of God, had only each of them one Wife.

A. As if *Abraham*, *Isaac* and *Jacob*, were not holier Men than any of those you
hint

hint at ! But, in the first Place, I am at a Loss to divine, how you came to be so positive that *Lamech* was the first Man who had two Wives ; he is, indeed, the first mentioned in Scripture to have had two. But as this is a vain Argument ; so, since the Scripture does not any where mention *Cain's* having more than one Son, must it therefore be an undisputable Consequence, that he had no more ? Nor is the following less vain. It is not any where in Scripture recorded, that those Men who lived before *Lamech* had more Wives than one : *Ergo*, none of them had more than one Wife. Moreover, where it is said, that *Lamech* had two Wives, it is not charged on him as a Sin, or Crime, but seems rather to be intimated as a Thing pleasing in God's Eye, that a Man should have more Wives than one ; seeing, by them, He gave to *Lamech* such ingenious Sons, who became the Inventors of Arts and Sciences, not only delightful but profitable. Neither can I perceive, how you came to be informed, that *Lamech* was so very wicked a Man as you would insinuate.

B. God plagued him, by suffering him to fall into the Sins of Murder and Despair, merely on Account of his having married two Wives.

A. For

A. For my Part, I cannot conceive him to have been either a Murderer, or that he fell into Despair, nor are we taught any thing like all that by the Scriptures, if they are rightly interpreted ; or even had the Scripture intimated any such Matter, which I do not grant, yet can it not from thence appear, that God suffered him so to go astray, purely for having married two Wives.

B. But, we may reasonably conjecture, that his having two Wives was displeasing to God ; since the said Murder is mentioned presently after.

A. First, I have told you already, that, by the Words of that Text, if they be understood rightly, there is not any sound Implication either of his Homicide, or Despair : And even if such were ever so plainly demonstrated, I say, it does not therefore follow, that his Diversity of Wives was the Occasion, or that God was offended with him on that Account ; inasmuch as, immediately on the Mention of his two Wives, the Lord commends their Sons ; as if He would have us to understand, that He approves of such Plurality of Wives. Add to this, that nothing ought to be affirmed, or asserted, in God's Church, as necessary to Salvation, if it be not

not otherwise to be known than barely by Conjecture.

B. Seeing I am not like to convince you from the *Old Testament*, I will try what is to be done with you from the *New Law*.

A. You err, if you judge the *Old Law* not to be sufficient to teach every Article of what is necessary to Salvation. If therefore that be your Reason for having Recourse to the *New Testament*, you are deceived: Seeing, as St. Paul writes; *All Scripture, of Divine Inspiration, is profitable for Reprehension, Correction and Instruction in Righteousness, that the Man of God may be made perfect, furnished for every good Work.* Now, it is clear, that Paul, in that Place, speaks of those Scriptures wherein Timothy had been exercised from his Infancy: And, because the *New Law* was then written, you must be forced to acknowledge, that Paul, there, speaks of the *Old Testament*. The *Old Law*, therefore, is profitable, not only to assert the Truth of such Things as are necessary to Salvation, but likewise to confute Falsities; and, consequently to render a Man perfect: For which Cause, Christ, speaking thereof, says; *Search the Scriptures, for in them is found Eternal Life.*

B. Per

B. Perhaps, some certain Things are prohibited to us, in the *New Testament*, which were not forbidden in the *Old*.

A. In Matters of Morality, whatever is unlawful, and to us prohibited, was in like Manner evermore forbidden to them; and also, whatever was allowed and commanded to them, the same is likewise allowed and commanded to us. God was equally Author of the *Old Testament* and of the *New*; nor was He ever contrary, or unlike to Himself.

B. We may say, *That some Things were allowed to those under the Old Law, because of their Imperfection, which are not allowed to us, in whom Carnalities should be abundantly more curbed and mortified.*

A. You take for granted what you have not proved; *viz.* That it is unlawful to have more than one Wife. Nay again, you are in the Wrong, if you hold it to be bad to have one Wife, but worse to have two: For as the Matrimonial Act, in him who has one Wife, is a Thing not in itself evil, nor repugnant to those Actions which are necessary to Salvation, no more is it evil to have two, or more Wives, provided a Man has a *Call* from *Above* to marry them, and is moved, not merely by the Impulse of the *Flesh*, but of the *Spirit*, that he may have Children, and bring them

them up in the Fear of God ; his Wives also doing the same. Whence it follows, that he who has two, or more Wives, may be as perfect as he who has but one, or none. Nor had *Abraham*, because he had fundry Wives, a scantier Portion of Faith, Hope, or Charity than Priests, Monks, or Friars, who marry not at all. Conjugal Chastity is as well the Gift of God as is that of Celibacy. For this Cause, St. *Paul* said ; *Every one is endued with his Gift from God, some one Way, some another.* 2 Cor. 7.

B. In that Place, the Apostle exhorted the *Corinthians* to a Single Life ; and that for no other Reason, than because a Married State has many Incumbrances attending it : Inasmuch as Married People, being intangled with Worldly Affairs, are not so free to pray and preach up and down, and do Good to others, as are those who are Single. Now, if the having one Wife brings along with it so many Impediments, one may readily conjecture, what a Plurality of Wives will do. *Ergo*, to have more than one, is absolutely unlawful.

A. You are in an Error, if you imagine, that St. *Paul's* Meaning, in those Words, was, that Marriage impeded Men in their Journey Heavenwards, so that Married People could not be Saved : For then, what

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what God said would not be true ; viz. That *it was not good for Man to be alone*. But it would rather be most meritoriously excellent to be alone, and to marry at all, would be the vilest Deed one could do, as being a Mortal Sin. So far from that, I cannot but hold, that a Married Man may not only be Saved as well as a Single One, but also be as compleatly perfect as he ; inasmuch as he may attain to as great Perfection, in Faith, Hope, and Charity, as the other : And if he cannot personally perform some external Works, which the Batchelor can, as impeded by his Matrimonial Incumbrances, yet he may perform the same in Heart and Mind ; which is what God most regards.

B. Tho' Matrimony itself does not deprive a Man of a future Felicity, yet his having more Wives than one, does.

A. How prove you that ?

B. From *Paul* ; who, speaking of Bishops, says ; *He would have them to be the Husbands of one Wife* : Meaning, that they should not have more. It is therefore unlawful to have more Wives than one.

A. Nay ; rather when he tells them, expressly by Name, that *one Wife they should have, lest, having more, they should be too much incumbered with Mundane Affairs*, it is easy to comprehend, that he allowed other Men to have more.

B. St.

B. *St. Paul's* Mind is, by some, interpreted, *A Bishop is to have but one Wife; that is, say they, the Church for his Spiritual Spouse.*

A. Many Reasons demonstrate this to be a very false Opinion. First; because *Christ* is only the Spouse of Souls, and Bridegroom of his Church: And if we, who are Ministers, be his Friends, we ought, with *John the Baptist*, as the Friends of *Christ*, the only true Spouse of Souls, to send them to him, their Bridegroom; and not to draw them to ourselves. *Christ's* Churches, therefore, are not the Bishops Spouses: And if they were, as a Husband is his Wife's Superior, so should they be to their respective Churches; against which writes *Paul* to the *Corinthians*, where his Words are; *We are not Lords over your Faith, or over you by reason of your Faith.* The Church, therefore, is not *Paul's* Wife. I confess, indeed, that one Church is sufficient for one Pastor; and he merits no small Praise, if he can govern that as it ought to be governed. In the ancient Times of *Christianity*, one Church had sometimes diverse Pastors, as appears from the *Epistle* to the *Philippians*, in which *Paul* salutes the Bishops who were at *Philippi*: Whereas now-a-Days, one Bishop has many Churches. Also, when
Paul

Paul says ; *A Bishop ought to have one Wife* : he speaks of the Manners of him who was fit to be a Bishop : But in case he be yet to be chosen, he is no Bishop ; and therefore, as yet, has no Church which may be called his Wife. From hence, likewise, it is manifest, that, by Wife, he did not mean Church ; because, almost presently after those Words, he makes Mention of his Children, ordaining, that *he govern well his Family, and keep his Children in Subjection to him, with all due Reverence*. For if a Man cannot govern his own Family, how can he preside over God's Church ? Wherefore, in that Place, he assuredly speaks of a Wife, and not of a Church.

B. Some affirm, that *Paul*, there, forbids such Men to be chosen Bishops as have had more than one Wife, tho' not at one Time.

A. Yet I cannot conceive, that *Paul* deemed it a Sin for a Man, after the Decease of his First Wife, to take to him a Second ; forasmuch as he himself says ; *That after the Husband's Death, the Wife is free, and may, without Blame, marry another*. So far is it from being unlawful for a Man, after the Death of one Wife, to espouse another.

B. It is held to be a very enormous Shame, for a Man to marry again when his first Wife is dead.

A. If you rightly weigh the Matter, and follow not the Opinions of the blind, senseless Vulgar, you will find the Matrimonial Act to be as free from any Turpitude, as the Acts of Eating and Drinking : Nor would God have enjoined Matrimony, had it been evil ; which, nevertheless, he expressly did, when he said, *Increase and Multiply.*

B. I condemn not Matrimony ; but the Iteration, or Repetition thereof.

A. The second Nuptials are as true and valid as the first : And therefore you cannot condemn the Iteration of Matrimony, without condemning also Matrimony itself. Take one Instance. A young Man marries a Wife ; she dies a few Days after ; he is naturally incontinent, or has a second Call to the Matrimonial State : In this Case, who is ignorant, that, answerably to the very Precept of *Paul*, since he cannot contain, he may and ought to take another Wife?

B. Were not second Marriages filthy and unlawful, *Paul* would not, speaking afterwards of Widows, have commanded such to be chosen as had not had more than one Husband.

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A. Con-

A. Conceive you *Paul* to have been a Person inclined to Superstition?

B. I do not conceive him to have been such.

A. Had a sprightly young Widow, somewhat incontinent, applied herself to *Paul*, for his Advice; what think you his Answer would have been?

B. *That she should re-marry*; according to his Doctrine and Precept.

A. Repeated Marriages are not, therefore, unlawful. Why, then, should *Paul*, reject such Widows as had been married oftener than once? For it was very possible, that some Widows, having had diverse Husbands, might be infinitely chaster, and more pious than those who had wedded only one. It might also happen, that she who had several Husbands, might have lived with them only one Year; whereas she who had one only Husband, might have cohabited with him thirty or forty Years: And in such Case, I cannot really see, why *this* should be worthier to be chosen, than *that*. My Belief, therefore, is, that *Paul's* Mind, in that Place, was this; *That such Widows were not to be chosen as had been divorced from several Husbands, and had married in the Life-times of those Husbands from whom they were divorced: For they were either divorced on just Grounds,*
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and it was not fit they should be chosen, or on unjust Grounds, and so the Marriage remained good, having never been violated, and the divorced Woman had committed a Sin if she married another: Hence it was, that all divorced Women were counted infamous, not only such as married again to others, but, likewise, such as abstained from Wedlock, especially among the *Gentiles*, who used not to divorce their Wives, except for some Fault, or vicious Quality. *Paul*, therefore, did not ever condemn those Women who re-married after the Decease of a former Husband; neither did he prohibit those Men to be Bishops, who married another Woman when their former Wife was dead; which, nevertheless, the superstitious *Papists* observe, because they understand not *Paul's* Meaning. Among them, tho' a Man has entertained ever so many Strumpets, they make him a Bishop; but, his First Wife being dead, if he marry another, they absolutely will not: Whence it comes to pass, that Matrimony with them, is of a worse Report, and far more scandalous, than either Fornication, Adultery, Incest, Sacrilege, Sodomy, or any other the most execrable Abominations one can imagine. *Paul's* Mind (as has been observed concerning Widows, and this will make the third Opinion) is, *That he who*

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has had diverse Wives, by reason he divorced one, ought not to be made a Bishop : For if he divorced her unjustly, he ought not to be made a Bishop, in that Regard ; if justly, yet his Wife's Infamy, redounding on himself, does that Way incapacitate him ; and on this Account it was, that Paul would not agree, he should be a Bishop. Nevertheless, I cannot favour these Sentiments : For, he says not ; he must have been ; but says ; he must be the Husband of one Wife ; for he says ; he must be blameless, viz. as the Husband of one Wife ; as he expresses it, a little after, with Relation to Deacons, and writing to Titus concerning Bishops.

*B. By Reason that Bishops, in Regard of the Public Office they bear, as also Deacons, have Dealings with all Sorts of Persons, not only Men but Women, Paul, to avoid Suspicion, would have them to be married : And this, perhaps, might be the Meaning of those Words. It may, likewise, possibly be, that the Apostle, foreseeing the future Papistical Superstition, prohibiting the Marriage of Bishops, &c. that they might be without Excuse, said ; *They ought to be blameless, and to have a Wife : But, indeed, he did not expressly say, they are to have one only, and no more. Or he shews, that a Bishop should have a Wife, that is, he should**

should be satisfied with her, and not to have any Kind of unclean Dealings with other Women : All which is no other than injoning him to be chaste and honest.

A. Paul's Mind here is, certainly, neither more nor less than thus : *That it is lawful for the Generality of Christians to have a Plurality of Wives ; but for each Bishop to have no more than one* : Not that it was sinful for them to have more ; but because the Duty of Bishops being to labour for the Salvation of others, he was apprehensive lest a Multiplicity of Wives might be a Remora, or Obstacle to the due Performance of their Function. On this Account, he would not admit their having more than one ; nor is it, therefore, unlawful for other Men to have more : Nay, while he forbids Bishops and Deacons, by Name, to have a Plurality of Wives, he tacitly allows it to others. Nor is it at all likely, that *Paul* would have prohibited Bishops having more than one Wife, had it not been then usual for them to have more. It was, therefore, in the *New Testament* forbidden to Bishops to have a Plurality of Wives, as, in the *Old Testament*, it was forbidden to Kings (*Deut. 17.*) not because it was in itself unlawful, but lest Kings, whose Office was of the greatest Consequence, being distracted by their

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Wives,

Wives, should become corrupt ; as it happened to *Soloman* : For if *Adam*, when he had but one, was, notwithstanding, perverted by her, it is easy to conjecture what might happen to Kings, if they had many. Nevertheless, I cannot but believe, that as, in the same Place, he forbid Kings to have many Horses, meaning, a too enormous Multitude of them ; lest in them, rather than in God, they should put their Trust : For otherwise, the having many Horses was not disallowed. Even so, they were not forbid to have many Wives ; since *David*, a most Holy Man, even one after God's own Heart, had several ; but that they should not entertain any immoderate Multitude of Wives, more particularly of such as were professed *Heathens*, worshipping False Deities. But to return more closely to our Point : It is not credible, that *Paul* was apprehensive of *Timothy's* electing for Bishops such as were unbaptized *Jews* or *Gentiles* : It is, therefore, plain, that, in *Christ's* Church, among the Primitive *Christians*, there were Men who had more Wives than one ; and because from among them a Bishop was to be chosen, he was against his making Choice of a Person who had a Plurality of Wives. But if to entertain more Wives than one had been, as you affirm it to be, repugnant to God's Law,

Law, and the first Wife only being right-ful and legal, and the others all Harlots, it is not in the least credible, that the *Christian* Pastors would have administered Baptism to any Man who had a Plurality of Wives, unless he put away all except his first : And had that been the Practise, it would have been very needless in *Paul* to ordain, that he who was to be chosen Bishop should be the Husband of one only Wife ; since the whole Community of *Christians*, from among whom he was to be elected, had each of them no more than one. But what I much marvel at, is, that many, who not only firmly believe, but maintain in their Writings, *That it is utterly contrary to Law, both Moral and Natural, to have more than one Wife*, do yet, in expounding *Paul*, affirm, that, writing to Timothy, he cautions him not to chuse for a Bishop one who had a Plurality of Wives ; whence necessarily it follows, that, since Election was not to be made of any who was not within the Pale of *Christ's* Church, the Church of *Christ* had within it such as had more Wives than one, and consequently did not think it unlawful to have more : Otherwise, had the *Christians* counted it unlawful, as they did not baptize, or admit unto the Lord's Supper, any Man who entertained a Concubine, except he would

forsake her, so they would not have baptized, nor admitted to the Lord's Supper, nor even have suffered among them, such as had a Diversity of Wives, except they would divorce all but the first.

B. But what Reply can you make to *Paul's* willing and commanding ; *That every Man should have his own Wife* ? For in saying, *his own Wife*, he certainly excludes *Wives*.

A. According to some, his Meaning is ; *Let every Man have his own Wife* : That is, *his own*, not another Man's ; and not, *one only* : As if a Father, pointing towards a Daughter of his, should say ; *This is my own Daughter* ; yet still not gainsaying, that he has other Daughters, which are also his *own*.

B. *Paul* does likewise, in the same Place, ordain ; *That each Wife shall have her own proper Husband* ; meaning such a Wife as is peculiar and proper to him alone, and not in common with other Wives : And hence it certainly follows, that as a Wife ought to be proper and peculiar to her Husband, and not to appertain to other Husbands, so the Husband ought to be appropriated to his first Wife, and not common to others, if you design (as you should do) so to expound *Paul's* Text that he may not contradict himself.

A. *Paul*

A. *Paul* does not there dispute, a Man's having, or not having, a Plurality of Wives ; but his Intent is to shew, that those Men who have not the Gift of Continence, should take to them Wives ; and that Women under the same Circumstances should marry.

B. Can you, possibly, not comprehend, that a Plurality of Wives is repugnant to the Matrimonial Contract, in which both Man and Woman reciprocally yield up to each other, during Life, the honest Use of their respective Bodies ? On which Account, also, *Paul* says ; *That neither of them have Power over their own Bodies, but each over the other's respectively* : And a Man having once granted the honest Use of his Body to his Wife, he may not afterwards give the same to any other, he having already given it up to the first, who is become the rightful Owner thereof.

A. Yes, with the Consent of the first, he may ; as did *Abraham*, when, by *Sarah's* Permission, he went in unto *Hagar* ; and consequently, with the Consent of his first and second, a Man may marry a third ; which is as right in other Men as in *Abraham* ; especially where the Wives are given to understand, that it is not sinful for their Husbands, with their Permission, to take to them other Wives.

B. Believe you, that *David*, when he espoused *Bathsheba*, had the Consent of his other Wives so to do, and that others who took to them a Diversity of Wives, did it with their former Wives Approbation?

A. Supposing they had it not; nevertheless their Marriages were as true and lawful as if otherwise: It being then a Matter universally known, and by Multitudes of Examples confirmed, that it was not any way unlawful for a Man to have several Wives: so that when, by Matrimony, a Man granted to his Wife the Use of his Body, he gave it not up to her so intirely as utterly to bereave himself of all Power to participate the same to other Wives; to all which the Wives, by the public Custom then in Force, were no Strangers, and tacitly acquiesced to it, since they knew their Husbands took them on those Conditions understood: Their Marriages, therefore, were lawful and valid.

B. No Man can marry a second Wife without wronging his first: Nor is it credible, that Wives did ever cordially consent to their Husbands doing them such manifest Injury as to marry others.

A. Possibly my Wife may prove barren; in which Case, it is absolutely her Duty to consent I take another; nay, of her own Accord, to advise me so to

to do, as did *Sarah* : And should she disapprove thereof, she would therein do unjustly, and so her Husband may most legally espouse another Woman, in Spite of her unjust Opposition. Likewise, when a Wife is pregnant, and for some Time after her Delivery, since she is then unfit for her Husband's Society, and also when she is distempered or aged, her Husband, without any Wrong done to her, may have Dealings with another Wife : Nay, though a Wife has no Ailing at all, and is apt for Procreation, yet ought she to be satisfied with having, at certain *meet* Times, the Enjoyment of her Husband's Society, and to leave him at free Liberty to distribute the rest of his Conversation, as he sees proper, among his other Wives.

B. May a Woman lawfully, think you, have a Plurality of Husbands ?

A. Certainly, no.

B. Yet are there infirm Men, as well as there are ailing and distempered Women. Likewise can a Woman admit of Dealings with more Men, than a Man is able to have with Women : Wherefore it is seemingly more just, or at least less unjust, that a Woman should have a Plurality of Husbands, than that a Man should have several Wives.

A. Nay,

A. Nay, nay; rather, seeing that Matrimony was ordained chiefly for Procreation-sake, and a Man having a Diversity of Wives may, in a short Space of Time, have abundance more Children than can a Woman with diverse Husbands, it is undoubtedly more equitable for a Man to have many Wives, than for a Woman to have more than one Husband. But the principal Reasons, why Women ought not, by any Means, to be allowed a Diversity of Husbands, and yet Men may have diverse Wives, are these: One, and the main Reason of all, is that, by Women's having a Diversity of Husbands, the World would be nothing but Disorder, Dissention and Confusion; since, as no Husband could know, with any the least Certainty, the Off-spring his Wife brings to be his own, he might always suspect them to be another Man's, and of Consequence, would not take such Care of their Education and Welfare, as Husbands now do, and with some Reason, as presuming them to be his, tho' born of diverse Wives; nay, very likely, being so unassured of their being his own Children, he would not appoint them to be his Heirs. Another Reason why it is legal for Men to have several Wives, but not for Women to have a Diversity of Husbands, is this: A Husband is his
Wife's

Wife's Head, and has over her Command and Authority, as being her Superior; for which Cause he may have many Wives, if he is in a Capacity of managing, instructing, and entertaining them as he ought: Nor is it any Way monstrous, but rather very comely, to have several Members to a Body, tho' but one Head; but a Body which has more than one Head, is a Monster: So for one Husband to have diverse Wives, is not at all monstrous; but for one Wife to have a Diversity of Husbands, is most monstrous. Wherefore, as there, unavoidably, would be Discord and Confusion for one Body to have more than one Head, and those Heads dissent in Opinion, as might well be; so would there be horrible Dissentions, Feuds and Inconveniences, if Wives had a Diversity of Husbands; since the Husbands might have contrary Minds, and lay on their Wives Injunctions quite different one from the other.

B. If we regard Discords and Inconveniences, we shall find them sometimes to have been excessive, on account of a Man's having two Wives; as appears by the Stories of *Sarah* and *Hagar*, *Leah* and *Rachel*, *Hannah* and *Peninnah*, and several others, among whom reigned perpetual Dissentions: The which, possibly, the Almighty did

did permit, as a Token of his Displeasure at Men's having a Plurality of Wives.

A. Though between the First-born and their Brethren, grievous Quarrels and Hatred have frequently arisen, as in *Cain* and *Abel*, in *Esau* and *Jacob*, with innumerable more, it is not therefore displeasing in God's Sight, that Men should have a numerous Progeny : And likewise, though there is seldom much Amity and Peace between Step-Mothers and their Daughters-in-Law, yet is not Matrimony therefore displeasing to God. So, in like Manner, though among diverse Wives of the same Husband there has seldom been good Agreement, yet cannot either Matrimony itself in general, or the Marriage of fundry Wives to one Man, be therefore justly condemned, but only such Wives as had not Dispositions so good as they should have had.

B. Christians, in this Life, ought to be Contemners of Pleasures, and to have more of the Spirit than those had who lived under the *Old Law*. Wherefore, notwithstanding those our Predecessors had a Plurality of Wives, we ought certainly to be satisfied with each of us one.

A. It is needless I repeat it, having already declared to you my Sentiment, that it is far from being unlawful for a Man
to

to cohabit with a Diversity of Wives; neither is it any way inconsistent with the most elevated Degree of Faith and Perfection. Nor can I comprehend from whence you can be assured, that some *Christians* have not a Call from the ALMIGHTY to cohabit with fundry Wives, as well as some of the *Jews* were, by him, heretofore called so to do.

B. Urge whatever you can, to have a Plurality of Wives is both dishonest, indecent and filthy.

A. You are dragged into this erroneous Opinion, by two Things. The first is Custom: For if it were customary for Men to have more Wives than one, you would not look on it to be either blameable or unseemly. The other is a certain hypocritical Sanctity, which induces you to fancy the having more than one Wife to be a Thing unlawful, though it is not at all repugnant to Sacred Writ: And such as are convicted of having more Wives than one, have far greater Punishments inflicted on them than would be, should they entertain a thousand Harlots.

B. A Man finds it no easy Matter to satisfy one Woman; yet you would have it allowable for him to have a Plurality!

A. A

A. A Husband is not bound to satiate all his Wife's Carnal Appetites, but only such as are moderated with Reason.

B. Under the *Old Testament*, when the World was but thinly peopled, it was, perhaps, expedient, that Men should have a Plurality of Wives: But now the Earth is so very populous as it is, there is no manner of Necessity for it.

A. In Answer to that; first, you are not certain, whether Men, in case they had a Diversity of Wives, would be much more fruitful in Children than they are: Or even if their Offspring (as probably it might) should prove abundantly more numerous, how know you but that the Products of the Earth would be so increased as to afford a Sufficiency for their Nourishment, and all their other Necessities? For the same God, who had so multiplied Mankind, might also increase and multiply the Fruits to a competent Plenty for their Sustenance. But, suppose you were certain, that they would all perish with Want, yet of so high Price are the Souls of Men, that we ought not, by any Means, to prevent their Existence, especially if we are thereunto called by our Creator, as were, of old, those Holy Men who had a Plurality of Wives.

B. In

B. In these Days of ours, a *Christian* should not have more than one Wife ; if for no other Reason, at least to avoid the Scandal and Offence would thence arise ; since all *Christians* look on the having more Wives than one to be a Thing not only most detestably filthy, but even diabolical.

A. Just so, as even though the Generality of Men should combine to account Matrimony itself to be utterly unlawful and abominable, yet ought not you to regard the Offence it gave them, but to marry, if you had thereunto a Call ; so ought you also to marry more than one, if you were thereunto stimulated by Divine Impulse.

B. A Single Man, indeed, in such a Case might marry, to avoid falling into Uncleaness, though Men should take Offence at his so doing ; especially if he had a Call to it from Above. But he who already has one Wife, has no Need to take another ; neither will he be thereunto called by Impulse Divine.

A. Nay certainly, if his Wife be infirm, or troubled with any other Impediment, so that he cannot have due Enjoyment of her, and he has not the Gift of Continence, he necessarily must, to avoid Uncleaness, marry another. Add to this, that it is not
merely

merely to avoid Uncleanneſs that God calls Men to marry, but chiefly for Procreation-ſake, as of old he called *Abraham*, and other Holy Men.

B. Shall I make it clearly manifeſt to you, that the having more than one Wife is a Thing actually prohibited ? *Chriſt* ſays ; *That if any Man puts away his Wife, except for Adultery, and ſhall marry another, he commits Adultery.* But if a Man might have more Wives than one, he ſhould not commit Adultery, as *Chriſt* ſays, whether he puts away his former Wife, or no.

A. No Man can better expound thoſe Words of *Chriſt*, than *Chriſt* himſelf ; who, in another Place, explaining the laſt Words, ſays ; *Whoſoever ſhall put away his Wife, except for Adultery, cauſes her to commit Adultery.* That is to ſay ; he gives Occaſion to his Wife, ſo unjuſtly put away, to commit Adultery : For the Wife being thus deprived of her rightful Huſband, cannot, during his Life, eſpouſe any other without being guilty of Adultery. Therefore *Chriſt* ſays not ; *If any Man puts away his Wife, not for Adultery, and marries another, he commits Adultery ;* but that, he gives his repudiated Wife Occaſion to commit Adultery.

B. *Matthew*, *Mark* and *Luke* all record, that *Chriſt* ſaid ; *If any Man puts away his Wife, and marries another, he commits Adultery ;*

tery; meaning, by marrying that other. But if his Meaning was to shew, that, by his divorcing her unjustly, he gave her Occasion to commit Adultery, it would have been sufficient to have said; *If any Man puts away his Wife, he commits Adultery; without adding, and marries another.* Wherefore Christ, by those his Words, in *Matthew v*, designed not to expound that Expression in the said Evangelist, *Chap. xix*; only he said; *If any Man puts away his Wife, not for Adultery, he makes her commit Adultery.* But, elsewhere, he expresses himself differently; viz. *That if he marries another, in the same Kind, he commits Adultery*: Because the first only was his Wife, and it was not lawful he should have more than one. To this add, that Christ's Words, in his Sermon upon the Mount, were spoken before those were uttered, by which he answered the *Pharisees*, who asked him; *Whether a Man, for every Cause, might put away his Wife?* Wherefore those Words cannot be the Exposition of these, which were spoken afterwards.

A. Whether the latter Words were an Exposition of the former, or not, I am satisfied, that both mean one and the same Thing; viz. *That if any Man shall put away his Wife, without just Cause, he occasions*

occasions her to commit Adultery : And as for the additional Words, in Chap. xix, *Christ* added them only to demonstrate, that if a Wife, unjustly divorced, marries another Man, she commits Adultery ; tho', at the same Time, her former Husband has married another Woman ; since her first Matrimony is not void, but continues in its full Force. *Christ's* Meaning, is, therefore, this : *If he puts her away without just Cause, tho' he marries another, yet he gives to her, who is so put away, Occasion to commit Adultery.*

B. You so force and strain this your Interpretation, that it is in the greatest Danger of breaking. Nay, we may also see even in irrational Creatures, that each Male has its peculiar Female, with which alone it couples, as in Birds of all Kinds : And much more does it become Men, particularly *Christians*, to do the like.

A. This is Fact only in such Creatures whose Propagation is not of much Necessity towards Man's Sustenance : But, by Observation, you may find one Cock to have many Hens ; one * Bull many Cows ;
and

* A blithesome Sort of a Lass, who protests, she will sooner have a Husband and a Half, than Half a Husband, and is now, while I am revising this *Proof*, leaning confoundedly hard over my Left Shoulder, says ; *She never knew before, whence came our Saying, of ; Telling a Story of a Cock and a Bull.*

and the same in many other Creatures of Utility to Mankind. If, therefore, by Divine Ordinance, and for Man's Benefit, one Cock has many Hens, much more is it the ALMIGHTY's Pleasure, that a Man may have several Women, for the Propagation of Men, whom he so tenderly loves, and so highly prizes.

B. Were none of those Creatures, you mention, emasculated by Castration, and were assembled together in great Numbers, you would find each Male with only his own peculiar Female; much more ought it to be so with Men: But, very many of the Males being castrated, and few of the Species together in one Place, if one Male does couple with diverse Females, it does not, therefore, follow, that one Man should have diverse Wives. Into the Ark of *Noah* the ALMIGHTY sent just as many Males as Females, to shew, that each Male should have only his own single Female.

A. I confess, that were the Number of Men and Women in the World exactly equal, it would be very expedient, that each Man should have only his single Wife. But since the Number of Women is far greater, I conceive it to be reasonable for one Man to have diverse Women; for it is not in vain that God creates a greater Number of Females, of our Species, than
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He does Males. But, suppose, for Example, there were, in the whole World, only 300 Women, and just as many Men, and every Man had one Woman; they would not so soon propagate their Kind as if 400 of the 600 were Females, and 200 Males, each of which had two Women. And on this Account it is, that God is pleased to create more Women than Men: The Life of one Man being equal to those of two Women.

B. Hold! In the first Place, I believe not, that you can be certain of there being more Women in the World than there are Men. You, perhaps, fancy so, because we are apt to rejoice at the Birth of a Boy, and the contrary for a Girl. And even admit, that more Girls are born into the World than Boys, yet the Majority of them are very short-lived, by reason of their tenderer Constitution. Besides, abundance more Men than Women are destroyed by War, Shipwreck, the Sword of Justice, &c. Yet cannot any of all this be a sufficient Plea for, or Proof of the Necessity or Legality of *Polygamy*. And as for the Love of Carnal Society, it is a Passion than which no Passion is more violent: And if even a dishonest Love cannot brook a Partnership, much less may that which is honest and irreproachable!

A. Pious

A. Pious Love rather extends to all Mankind, even to our very Enemies.

B. *Jacob* was a pious, good Man; and yet he loved barren *Rachel* more than fruitful *Leah*: So also did *Helkanah* love barren *Hannah* better than he did *Peninnah*, who was otherwise. *Solomon* likewise said, that his Beloved was *one*. Wherefore it is a very difficult Task for a Man to distribute his Affection and Benevolence, equally and impartially, among several Wives, which, yet, must be done where *Polygamy* is admitted *. When a Man has but one Wife, a reciprocal Love is better preserved than if he had a Plurality; and in case of any Quarrel between a Man and his single Wife, they are more easily reconciled. Amidst a Plurality of Wives, contrary Opinions abound, and there never wants a comfortless Scene of Discord and Distraction.

A. Were

* The *Mahometans* have a famous Tradition, on this Subject, concerning their Grand Legislator, *Mahomet*. They say, he was once very strenuously preaching up this Doctrine of a Man's unbiassed Impartiality to his Wives; and by Way of Example, called out his own Wives (then, I think, about half a Dozen, or so) and placing himself amidst them, holding in his Hand a large Bunch of Grapes; willing them all to eat thereof, *like Sisters*. Which, while they were doing, the good *Apostle* (as his *Notaries* report) was remarked constantly to turn that Side of the Bunch where were the fairest Grapes towards his dearly-beloved *Aisha*, Daughter of *Abou-Beer*, his immediate Successor.

A. Were there a Call from God, their State would not be without the Divine Benediction. *Polygamy* is no Enemy to Concord and Charity. Therefore if a Man has several Wives, and there is no Agreement among them, the Fault lies not in *Polygamy*, but in the fractious Dispositions of those discording Females.

B. If the Filthy Love of a vile Strumpet is, often, the Occasion of a Man's being satisfied with only her, abundantly more should a like Effect be worked by the Sacred Love of Matrimony.

A. We daily see, that some Filthy Love has a better Effect on some, than the Sacred Matrimonial Love has on others; also, in like Manner, Superstition produces more Good in some, than does True Religion in others; all which is owing to the Instigation and Influence of the Devil.

B. That *Polygamy* is repugnant to Natural Reason is manifest in its being ever abstained from by all Nations, as a Thing not lawful.

A. You are sensible, that the Light of Nature, I mean, that Natural Law which Men have in their Hearts imprinted, is the Gift of God, and that it is just, and that the Law of *Moses* is not contrary to it, but an Explanation thereof: For if the Law of *Moses* were repugnant to the Law of Nature,

ture, God would be contrary to Himself, since they both proceed from God, or rather both are one and the same Law. Wherefore, if Plurality of Wives had been repugnant to Reason, certainly, neither would *Moses* have connived at it, those holy good *Patriarchs* have practised it, nor the ALMIGHTY have suffered it. When God, by *Moses*, commanded the *Israelites*, that when they came upon the Borders of the *Gentiles*, they should not imitate their Vices, He would, among other prohibited Practises, have named *Polygamy*, had it been contrary to Law; and he would, by *Moses*, have forbid it, which he did not: Neither do we any where read, that God ever punished any Man for his having Plurality of Wives, nor that, by his Prophets, they were even once threatened, on that Account. If you desire to make the Manners of the *Gentiles* your Rule and Law, you will find them abounding in Wickedness. And as to your Assertion, that all Nations abstained from and abhorred *Polygamy*, it is a Falsity, as appears in the *Hebrews*: Also *Chremes* had two Wives, if we may credit *Terence*; so had *Boccus*, as we are told by *Sallust*: And, to conclude, so had *Socrates* himself, who, nevertheless, was a most wise Man, and

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a very plentiful Portion of the Light of Nature.

B. Even the wisest of Men sometimes err.

A. None did ever condemn, or reprehend *Socrates*, on Account of his *Bygamy*, or having two Wives, tho' he has been much censured on other Accounts. But why should we use Multiplicity of Arguments? *Polygamy* was, and still is practised as a beneficial Custom, most profitable to Mankind by advancing Propagation, not only among the *Jews*, but likewise by the *Persians*, *Turks*, and others. In *Europe* only it is deemed abominable; in which *Europe*, Vice has abounded, and still does, if not more, yet not one Jot less, than in any other Part of the Universe. Nay, in former Ages, *Polygamy* has been favourably looked on even in *Europe*; only they avoided having, in one House, more than one Mistress of the Family, which was a Piece of Prudence, as being very convenient to prevent Noise and Confusion.

B. Well, but what say you to the *Imperial* Laws, which make quite against you?

A. Whereabouts, pray, is that?

B. First of all, the Emperors *Dioclesianus* and *Maximinus*, absolutely prohibit *Polygamy*, in these Words: *That no Man, within the Jurisdiction of the Roman Empire,*

can

can have two Wives : Since, also, in the Prætorian Edict, such Men are branded with Infamy ; which Delinquency no equitable Judge will suffer to pass with Impunity. The same Code likewise says : Undoubtedly, the Man who has two Wives, is not free from Infamy.

A. You say, the Authors of the first Imperial Law were Dioclesianus and Maximinus : The other is taken from a Rescript of the Emperors Valerianus and Galienus.

B. It suffices, that being Emperors, they were invested with the Power of enacting Laws.

A. We must not forget, that, in the Pagan Empire, such was the Matrimonial Constitution, that, for any light and frivolous Cause, Men might turn off their Wives, and entertain Harlots at Discretion, without much Reproach : Yet had not such Concubines either the Name or Authority of Wives. On this Account the Emperors made those Decrees, not because they deemed Polygamy to be unlawful, seeing they allowed a Plurality of legal Concubines ; but they judged it reasonable, that the first alone should bear the Title and Privileges of a Wife ; more particularly, since the Man might part with her if she suited him not.

B. But we see, that the Emperor *Constantinus* prohibited all Concubinage.

A. If you weigh well his Words, you will comprehend, that his Intention was only to inhibit him who had a Wife to entertain Concubines ; not that the having them was actually illegal, but a Man was not to have them with him in the House where his Wife was ; and this merely to prevent Contention and Disquiet : But separately, every Man might have as many as he pleased. And the Emperor *Valentinianus*, invested with a like Power and Authority, did not only permit such as had Wives to keep Concubines, but many Wives also at the same Time, and in the same House, all dignified with the same Title, and bearing equal Authority : The said Emperor himself, also, had a Diversity of Wives. Now this Law of *Valentinianus*, which was of a later Date than that of *Constantinus*, did intirely abrogate the same, so that it became void.

B. *Justinianus* makes not any Mention, in his *Code*, of this Law of *Valentinianus*.

A. Nevertheless, it undoubtedly was publickly recorded, as we are informed in History. To this we may add, that, besides this Emperor, it is well known, that *Constantius*, Son of *Constantinus*, had fundry Wives. Likewise *Clotarius*, King of *France*,
and

and *Heribertus* and *Hypericus*, his Sons, had a Diversity of Wives. I add also, *Pipinus* and *Carolus Magnus*, of whom *Urspergensis* witnesses, that they had each more than one Wife: Nay, we may, likewise, add *Arnulphus* and *Fredericus Barbarossa*, both Emperors of Germany, with *Philippus Deodatus*, King of France, and innumerable others. Not that I will deny, but that it is abominably criminal in those who, abandoning their Wives, go into Foreign Countries, and there marry others: I only speak in Behalf of those well-disposed Men who, supposing the ALMIGHTY *calls* them to a Diversity of Wives, are mindful to maintain and cherish them all, as they ought to do.

B. You are supposing what never yet was in the Creation; which is, That God ever *called* a Man to a Diversity of Wives.

A. Certainly, *Abraham*, *Jacob*, and an Infinity of others, were thereunto *called* by the LORD; and, doubtless, the like may be with us. Nor can I see, what more Need had they of such a *Call* than we have; or why it was more their Duty than ours, to raise a numerous Progeny.

B. The Emperor *Constantinus* would not allow a Plurality of Wives, nor will the present reigning Emperor.

A. My Inquiry is after what is equitable and expedient, and not after what Men in Power will, or will not. Nature's Laws are immutable: And if, in *Abraham's* Time, it was consonant to Reason to have Diversity of Wives, and deemed a Matter neither dishonest nor unjust (for if it had, we may be assured, that good Patriarch would not have taken to his Bed more than one) we must confess it to be, now, in our Days, likewise just, honest and expedient; and so it was in the Days of *Constantinus*: For, notwithstanding his Imperial Authority, he could not make that to be indecent and unjust, which in itself was just and honourable. Undoubtedly, that ancient Church of *Christ* had the Knowledge of Divine Matters; and yet, neither that Church, nor the Emperors of those Times, did condemn or punish *Polygamy*. But Men had rather *seem to be good*, than *be so indeed*; seeing they so furiously cry-down a Diversity of Wives, yet are such Lovers of Adultery and Fornication. Finally, to condemn *Polygamy*, is for Man to prefer himself to God, who never did condemn it, and to assume a greater Degree of Perfection than He. I spare saying, that I may not allow of the Laws of the Emperors, in Matrimonial Cases; seeing
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ing they refer those Matters to the Ecclesiastical Laws.

B. If by them you will be tryed, I am Victor.

A. Produce me one *Canon* which makes for you.

B. In the Times of the *Fathers* of the Church, *Polygamy* was accounted so notoriously filthy and abominable, that they did not think it fitting to condemn it expressly by Words.

A. Now I, for my Part, am verily persuaded, that those Fathers of the ancient Church were contented with the *Canon* of St. *Paul*, who would have those who were Ministers of the Church to be satisfied with one Wife ; not on account of its being in itself illegal to have more, but that they might the better attend and execute their Function : but, as for all others, he allowed them to do, in that Case, according to the *inward Motions* they had from *Above*.

B. We know that, in the third and seventh *Neccæsariensian* Councils, *Polygamy* was prohibited.

A. I assert, that it never was prohibited, neither in those *Councils*, nor in any other.

B. Certain I am, that they ordained a Penalty for *Polygamists* ; which never would have been done, had they not judged it

illegal for a Man to have more than one Wife: Nay, they forbad all Priests to be present at the Marriages of those who would have more Wives than one.

A. Right; they did so: But at the same Time, they did not forbid *Polygamy* itself.

B. They sufficiently forbad it, when they ordained Punishments for it.

A. Should you read through every one of the *Councils*, you would not therein find *Polygamy* to be prohibited. Neither can that be alledged as the Reason, because they conceived *it* to be forbid in Scripture: Since I have already demonstrated *its* not being there inhibited. And, in *Canon* 17 of the *Apostles*, it is decreed; *That a Man, having two Wives, should be removed from the Episcopal and Priestly Function, and from all other Ecclesiastical Offices.* But, had the Authors of those *Canons* looked upon *Polygamy* itself to have been repugnant to Scripture, *Christian-Charity*, and the common Good of Mankind, they, assuredly, would have Excommunicated all those who had more than one Wife; nor would they only have banished such Men from their Communion, but would, likewise, have inflicted on them grievous Corporal Punishments. But those Apostolical Fathers, as *Paul* had done before them, forbad

bad only the Ministers of the Church to have more Wives than one ; not as if it was a Thing contrary to *Christian* and Moral Honesty, but because it would draw away and divert them from Spiritual Exercises. But because, in Process of Time, Men began, by Degrees, to turn aside from the Right Way, so that many fell to account even Matrimony itself to be unlawful ; they blushed not to give it under their Hands, *That a Man's first Wife being dead, it was Adultery, and not Marriage, to take another* : Touching which Matters, you may see much in *Gratianus*. So do, likewise, *Hieronimus* and *Tertulianus* interpret that Saying of *Paul* and the *Apostles*, as if the Meaning and Intention was ; *That he who had two Wives, though successively, might not be admitted a Minister of Christ's Church ; neither he who espoused a Widow, or a Divorced Wife* : All which we know to be still in Force among many. And, among the *Reverend* of the *Romish* Creed, we see, that Matrimony, in any Sort or Degree, is utterly thrown out of Doors ; though we daily see Persons, most *Sir-Reverendly* noted for Filthiness, promoted to their chiefest Church Dignities ! But mark what I am about to advance. The Life of a Courtier, and a Soldier, cannot be deemed really sinful in *Terminis*, but many may be thereunto

called by God Himself: Yet, in the 12th *Canon* of the *Nicene Council*, it was decreed; *That those who, having once quitted the Profession of Arms, and again went to the Wars, should be severely punished*; though, in those Days, seldom any War was moved except against Infidels and Idolaters. In like Manner, though they decreed Penalties for such as had two Wives, yet is not *Bigamy* therefore sinful, but many be thereunto called by Instinct Divine. There are abundance of such *Canons*, particularly touching Matrimony, which want Amendment; not that we are tied by any *Canons*, but such only as have their Foundations on the Word of God. The *Fathers* have many Times erred, as being Men, and not unfrequently swerving from the Rule of God's Word. Moreover, we ought to believe, that *Paul* taught (for Example) the *Ephesians*, and the rest of the Churches, all Things necessary to Salvation; as himself testifies: And yet he taught them not, that any were to be *tied to one Wife*, excepting Ministers of the Church.

B. That he might, perhaps, do, to the Intent that, by their Example, others might, by little and little, be brought to a like laudable Practise,

A. In the first Place, what you urge is not grounded on any Part of God's Injunctions;

junctions ; without which, according to my Sentiments, it is no less than Impiety to force or bind Consciencies. Nor ought every Thing which is expedient for a Bishop, to be propounded as a Model for all others to copy after.

B. Yet, it is a bold Word for us to say, that the Church has erred, now, for upwards of Twelve Hundred Years, in condemning and punishing *Bigamy*.

A. That Error is not to be attributed to God's Church, but to Men ; who, in the Church, have as much erred in prohibiting Marriage to Priests : Yea, and I would have you to take Notice, that the *Neocæsariensian* Council did not decree, that *the Second Wife should be divorced* ; nor that *the Second was no true Marriage*.

B. The Council sufficiently declared that, by decreeing Penalties for such as had two Wives.

A. *Augustinus* judges that **Man to be guilty of Sin who marries, after having made a Vow of Chastity** : And yet he accounts such to be a *true Marriage*, and that the same *ought not to be made void*. This Argument is not, therefore, of any Force or Validity : The Council enacted Penalties for such as had two Wives ; and therefore the Second was not a true Marriage. Moreover, tho' more than a Thousand Years are passed since Penalties

nalties were enacted for those who had two Wives, yet it is not above Four Hundred Years since that Decree was first received by the *Italians*, *Spaniards*, and *Germans*. And as for the Institution, it is merely Human; and the Bishops would have exclaimed against the Emperor *Valentinianus*, for his Plurality of Wives, but that he had Scripture on his Side: And, notwithstanding they reprehended such as had more than one Wife, as *Augustinus* and *Bonifacius* did, as Persons who seemed over-indulgent to the Flesh, yet they did not, therefore, Excommunicate them, or deem them among the Number of such as could not be Saved. *Ambrosius* was a very sharp Reprover of Sin; yet we do not any-where read, that he reproved *Valentinianus* for having a Diversity of Wives: Yea, and the said *Ambrosius*, reprehending his second Wife, *Justina*, for her *Arianism*, ought withal to have reprehended her for not being a true Wife, but a Concubine; which, notwithstanding, he did not do. It is, likewise, recorded, that *Leo V.* when he understood, that a certain Bishop, in *Africa*, had two Wives, he only decreed, that, by reason of the Words of *Paul*, *he should be degraded and deprived of his Office?* but not, that *he should be obliged to divorce his Second Wife*, or be any other Way punished on account

count of his Bigamy. Gregorius, also Bishop of Rome, writing to Bonifacius, who was sent into Germany to teach Christianity, a Hundred and Twenty Years after Christ's Nativity, beseeches him, To take Care, that such as had espoused a Plurality of Women, and had buried all except one, might content themselves with that one, and not take any other. So that he only exhorts Men to abstain from Polygamy, just as he might exhort them to Celibacy; which cannot be understood of any but of such as are, by the ALMIGHTY, called to that State of Life. The true Ecclesiastical Canons, which oblige us to their Observance, are such as are grounded on the Divine Word. But, to convince you, read the Epistle written by Gregorius III. Bishop of Rome, to the above-cited Bonifacius, where you shall find him saying to this Purpose, viz.

If any Man has a Wife, who, by reason of some bodily Infirmary, cannot afford to her Husband due Benevolence, he shall do well to abstain from her: But if he cannot contain (for that is a Gift of GOD, not given to all) it is better he should marry another Wife, than burn; provided he allows his former Wife all necessary Maintenance.—

Than which, what can be more clearly expressed?

B. All

B. All you can utter, should you plead till *Dooms-Day*, will never convince me, that it is either decent, reasonable, or lawful for a Man to have more than a single Wife.

A. Set the Case, that the Number of Women does every-where exceed that of the Men, What must become of the poor un-mated Women?

B. They must take the same Course as the Men should do, if the Number of Men exceeded: That is: Pray to God to bestow on them the *Gift of Continence*.

A. In case God calls, to a Married State, a Man who has not the least Portion of that *Gift of Continence*, so requisite to a Single Life, it would be but in vain for him to pray for the *Gift* of being rendered able to live without a Wife; for I am of Opinion, he would not obtain his Request, since God calls him to marry.

B. The whole [*Christian*] World has believed *Polygamy* to be unlawful; nor can any Man have more than one Wife, without giving all imaginable Offence, which by all ought carefully to be avoided. Besides, God wills us, *to be obedient to our Magistrates*: And they are so far from allowing *Polygamy*, that they will put to Death the Man who is proved to have two Wives.

A. But

A. But not, if he keeps about him a whole Troop of Whores ! — — — If any Man, being, by Instinct Divine, moved to marry diverse Women, and his so doing should be no Sin, if he married them, it were (as the *Schools* speak) a *Scandal taken*, and not *given*. Also, to avoid Scandal, he might marry his Second Wife privately.

B. Such Matters are, however, scarcely practicable : And if he should be seen frequently in his Second Wife's Company, the World would take Offence, as judging her to be his Concubine. I shall, therefore, continually persevere in exhorting Men to shun *Polygamy* ; and I heartily dehort you from thinking on it. Even the *Romish* Clergy make Vows of perpetual *Celibacy* : And shall we, who are Men Regenerate, Spiritual and Evangelical, think of entertaining a Diversity of Wives !

A. Right ! And how chastly those Single-Livers pass their vowed *Celibacy*, all the World knows, and observes. The Law itself condemns *unfruitful Matrimony* ; so far is it from not condemning spontaneous *unfruitful Celibacy*. Now, I speak expressly of such as are not called to a *Single Life*. The Ancient *Romans* used to punish those who lived unmarried, and rewarded such as augmented the Common-Weal by

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a numerous Progeny. The like was also decreed by *Lycurgus* and *Ulpianus*. Now, what can merit a greater Benediction than the Preservation of Mankind, which, were it not for Matrimony, would be utterly annihilate? A Man cannot transmit to Posterity a more honourable Memorial of his Name, than by leaving behind him Children vertuously educated. And what greater Folly can be imagined, than, under a Shew of Holiness, to shun Holy Matrimony, as a Thing profane, which, nevertheless, has been ordained by God; is dictated by *Nature*; is persuaded by *Reason*; was confirmed by *Christ*; has been, and is, praised by *Writers*, Sacred and Profane; authorized by all *Laws*; unanimously approved by all *Nations*; and whereunto we are invited by the Example of the best *Men*? On the other Hand; What more inhumanly barbarous, than to hate Matrimony, the Desire whereof we have in us implanted by Nature? What more ungratefully unthankful to Nature, the World and our own Species, than not to beget Children, as our Ancestors and Parents have begot Us? For my Part, I make Account, that such Men are Murderers of as many as they might have begotten had they embraced Matrimony; except, peradventure, they are carried by
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a Divine Impulse to lead a Single Life. Questionless, it is a Sort of Man-Slaughter, not only to cause Abortion or Sterility by Drugs, or the like, but also to shun Matrimony, without very just Cause.

B. I am not condemning Matrimony, namely, the having one Wife ; but the having two, or more.

A. But what is it you will advise me to ?

B. To think no more of marrying any more Wives, but to pray to God for the *Gift of Continency*.

A. What, if He will not give *it* me ?

B. He will, if you pray in *Faith*.

A. What, if He neither gives me the *Gift*, nor the *Faith* to ask *it* ?

B. If you then do that to which God shall incline you, so that you are sure that you are led by Divine Instigation, you shall not err. For it can be no Error to obey God. Other Advice I cannot give you. Therefore, I bid you *Farewel* ; and promise you, that I will seek the LORD in your Behalf.

A. And that is what I beseech you to do, that I may not offend God ; but that I may give him all Honour and Glory, thro' CHRIST our LORD, *Amen*.

F I N I S.

THE FIRST PART OF THE
HISTORY OF THE
LIFE OF
JAMES OGLETHORPE
BY
JOHN STURGES
IN TWO VOLUMES
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IN THE STRAND
1784

ON
D I V O R C E,
A
D I A L O G U E.

By the same Hand.

A. **I** See my most dear Friend *B.* coming towards me ; and he seems to me, by his Carriage, to be exceeding sad. I have a great Mind to go meet him, and see whether or no I am mistaken in my Conjecture. — I wish you an happy Day, Sir.

B. Hitherto, truly, I have found it very unhappy.

A. Why so ?

B. I am brim-full of Grief; nor was I ever in my Life so possessed with Trouble and Sadness as now I am. And this Evil is added

added to all the rest, that I cannot lay open my Grief; for if I could open my Heart unto you, and discover that which perplexes me, I should seem, in some Measure, to be disburthened and refreshed. But my Calamity is so foul, that it is not fit to be related to any Man, but ought rather to be buried in Silence.

A. Are you ignorant, that you and I are all one? and that all Affairs, both prosperous and adverse, ought to be common among Friends? And, therefore, if you communicate your Secrets to me, you do not acquaint another therewith, but your ownself.

B. But there is no Remedy in the World for my Calamity.

A. Perhaps there is. Do but open your Mind to me: For you shall find me your secret and faithful Friend.

B. I took my Wife in the Act of Adultery with another Man, which torments me the more because I always loved her, and should have believed any thing, rather than that she would have dealt so by me.

A. O strange! Truly I am exceeding sorrowful: But there is a Remedy.

B. What is that?

A. Divorce.

B. If I might do it religiously.

A. Why so?

B. Be-

B. Because Sacred Matrimony cannot be dissolved.

A. True, if there be no Adultery committed.

B. Dare you then say, that Marriage, a Thing so Holy and Divine, may be dissolved by Adultery? so that Men, being thereby freed, may marry other Women?

A. I, for my Part, have said it, and will say it again, and stand to it: And that you may perceive the Truth of what I say, I will shew you the Reason of it. A Woman, in the Matrimonial Contract, gives up the honest Use of her Body to her Husband, promising, that no Man, while he lives, shall have the Use thereof besides himself; and the Man does the like by his Wife. For this Cause *Paul* says, that *the Wife has not Power over her own Body, but the Husband*: And likewise, that *the Husband has not Power over his own Body, but the Wife*. If, therefore, the Wife break her Promise and Faith made to her Husband, as yours has done, having given the Use of her Body to another, contrary to her Covenant made with you; in this Case the Husband is free and disengaged, so that he may grant the honest Use of his Body to another Woman joined to him in Marriage.

B. When

B. When Men, in covenanting, do give or promise any thing upon Condition, there is no Question, but the Condition being unperformed, the Promise, or Donation becomes invalid : But if the Promise or Donation be made without any Condition, it is always valid, tho' one of the Parties break their Faith. And because, in Matrimony, an honest Use of the Body is promised, both by the Wife and Husband, without any manner of Condition, it follows, That tho' the one falsifies his or her Faith, yet is not the other Party freed from the Engagement.

A. Do you then think, that the Husband promises the Use of his Body to his Wife perpetually, without any Condition, *viz.* Tho' she shall behave herself perfidiously towards her Husband ?

B. Yes.

A. But in the Matrimonial Contract, doubtless, neither says to the other : *I do for ever give you the Use of my Body, notwithstanding that you prove unfaithful to me.*

B. Nor is it thus said, *I give you the Use of my Body, for ever, upon this Condition, That you prove faithful to me.* But this, doubtless, ought to be the Mind of each of them, *viz.* to give the other the Use of his or her Body for ever, whether he or she shall prove faithful, or no.

A. And

A. And how know you that, I pray you? If it were necessary that Marriage should be contracted in such a Sense, it ought to be so expressed in the Contract; which, notwithstanding, is not done. And if it were so, that these Words should be used: *I give thee the Use of my Body for ever, tho' thou shouldest prove unfaithful to me,* there would be very few, who could be content so to be bound.

B. Therefore it is, that no such Expression is used, lest one should give the other Occasion of Breach of Faith, and to think: *Altho' I shall break my Troth plighted, yet cannot he or she deny me the Use of his or her Body, seeing it has been given me without any Condition.* But they ought, doubtless, both of them to be of that Mind.

A. But, I believe, there are few, who contract Matrimony in such a Sense, as that they will never deny the Use of their Body to the Party with whom they contract, tho' that Party should prove unfaithful. But, go to; think you not, that it is lawful for you, after you have taken her in Adultery, to separate yourself from her for a Time, and not to meddle with her, but to deny her the Use of your Body; yet so as to remain bound, as before,
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in the Bonds of Matrimony, not being in a Capacity to marry another Woman?

B. That, I conceive, I may lawfully do; provided that the Matrimony be not dissolved.

A. Yet, according to your own Words, you married her upon such Terms, and with such a Mind, as that you gave her the Use of your Body without any Condition, so that you could not deny the same, tho' she should prove unfaithful unto you.

B. In the Matrimonial Contract, I gave my Wife the Use of my Body, both without Condition, and upon Condition, as she also did to me. Without Condition, inasmuch as I promised, *That I would never, she living, engage the Use of my Body, nor once grant the same, to another; altho' my Wife should carry herself unfaithfully towards me.* Again, I gave the same upon Condition, inasmuch as I gave it with this Proviso, *That she should be faithful to me; otherwise, that it should be in my Power to deprive her thereof for a Time;* and the self-same my Wife promised to me. And this ought to be enough to preserve such as marry from Adultery, besides other Causes, both Divine and Human, wherewith they ought to be moved, to abstain from so great a Wickedness.

A But

A. But this Imagination of yours is built and founded in the Air, and contrary both to the Holy Scriptures and right Reason. And that it is, in the first Place, contrary to the Word of God, is clearly seen from the Words of *Christ*; who thus speaks, *Mat. v. 31, 32. You have heard how it is said, He who will put away his Wife, let him give her a Bill of Divorce. But I say unto you, he who shall put away his Wife (save in the Case of Adultery) causes her to commit Adultery: And he who marries her who is put away, commits Adultery.* From these Words of *Christ*, it follows, that if the Wife be an Adulteress, the Marriage is dissolved; and the Man may, without Sin, marry another Woman; which he could not do if he should put her away for other Causes besides Adultery.

B. But there is no Mention of this Matter, in the Gospel of *John*.

A. And what then, I pray you? Will you therefore deny that those Words were spoken by *Christ*, and accuse the other Evangelists for Liars? *Christ* wrought many Miracles, which are not written in the Gospel of *John*; and did not *Christ*, therefore work the said Miracles, because *John* has made no Mention of them? *John*, in his Gospel, did not write all the Miracles and Works which *Christ* did, nor all the Words

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which he said ; yet ought we not a Whittles to believe, that he did those Miracles and Works, and spake those Words, of which the other Evangelists have made Mention, than if they were likewise written in the Gospel of *John*.

B. But what will you answer to this ? that it is by *Mark* and *Luke* reported, that *Christ* should say, *If any Man shall put away his Wife, and marry another, he is an Adulterer*, without adding any Exception of Adultery, or any other Thing.

A. And what of all that ? Will you, therefore, say, that *Matthew* added that Exception, touching the Wife's Adultery, from his own Head.

B. Nay, rather, will you say, that those other two Evangelists have so delivered, in Writing, the Sentence of *Christ*, in a Matter of such Moment, as to leave his Speech maimed, and detract from his Words ?

A. *Matthew* relates, that *Christ* said, touching *John Baptist*, That among all born of Women, none was greater than he : And *Luke*, That no Prophet had been greater than he. Now, if *Christ* had uttered those Words twice, it might be alledged, That at one Time he said a greater, and at another Time a greater Prophet. But like it is, that he spake those Words but once. And, there-

therefore, we must think, that either *Luke* added that Word, *Prophet*, of his own Head, or that *Matthew* omitted the same. And because it is more credible, that *Matthew* omitted somewhat, than that *Luke* should add any thing, we are to believe, that *Christ* said, *There had been no greater Prophet*. Likewise, in this Case, we ought rather to think, that those two Evangelists omitted that Exception, touching Adultery, than that *Matthew* did add the same: So that we must confess, that it was uttered by *Christ*. But, let us suppose that *Christ* said it not, and that *Matthew* added it; in such a Case we must certainly confess, either that *Matthew* wrote by the Instinct of *Christ*, as his Instrument and Member; and that it is, therefore, of as much Authority, as if *Christ* himself had said it, or that *Matthew* added it of his own Head; and so all the Authority of the Evangelists falls to the Ground, which were a great Wickedness to say. And, therefore, we must confess, that those Words are true, as they are recorded by *Matthew*.

B. That we may rightly understand the Holy Scriptures, the Circumstances are diligently to be considered. *Matthew* wrote his Gospel to the *Jews*, who, because they were accustomed to divorce their Wives at Pleasure, he gave Allowance to them, as

Men unperfect, to put away their Wives for Adultery. But *Mark* and *Luke*, because they wrote to the *Greeks* and *Gentiles*, who were not wont, upon such slight Terms, to put away their Wives, as the *Jews* were, they did not permit them to put them away. And because we are sprung from the *Gentiles*, it is unlawful for us to put them away.

A. In the first Place, how you come to know, that *Matthew* wrote his Gospel in *Hebrew*, I know not. But suppose it be so, as some give out, it does not, therefore, follow, that he wrote only to the *Jews*. If *Matthew*, when he wrote his Gospel, had wrote an Epistle to the *Jews*, and that touching Matters concerning them alone, there were somewhat in that you say : But he, in his Gospel, relates the Nativity, Life, Death, and Resurrection of *Christ*, what he said, and did, and suffered, for the Profit and Good, not of the *Jews* only, but of all Mankind. And, therefore, as *Christ* forbid it to all Men, tho' principally to the *Jews*, even so, also, *Matthew* wrote his Gospel to all : Otherwise we must confess, that the other Evangelists also wrote only to the *Gentiles*, and not to the *Jews* likewise. Yea, verily, and the Epistle which *Paul* wrote unto the *Romans*, seeing it was not written concerning Matters belonging to

to them alone, both was, and will be useful to the whole World : Even so, the Doctrine of each of the Evangelists, is profitable for all Men. Add hereunto, that, if what you have said be true, it should be lawful for *Jews*, being turned *Christians*, to put away their Wives for Adultery ; but not for the *Gentiles*, *Eph. ii.* and so *Christ* should not have taken away the Partition-Wall thro' his Flesh, nor abolished the Enmity, even the Law of Commandments, contained in Ordinances, for to make in himself of twain one new Man, so making Peace ; and that he might reconcile both unto GOD in one Body. Also, that should be false which *Paul* writes, *Gal. iii.* where he says, That, in Christ Jesus, *there is neither Jew nor Gentile.*

B. Are you ignorant, that *Christ* wills and commands, that, *whom GOD hath joined together, in Marriage, no Man should separate ?* And will you say, That it is lawful for me to put away my Wife ?

A. Is not the Pope a Man ?

B. Without all Question.

A. How comes it then to pass, that he separates whom GOD has joined together in Marriage ?

B. After what Manner ?

A. Suppose an honest and creditable Virgin, have, with her Parents Consent,

married a young Man, fuitable to her own Condition ; if, after the Marriage has been solemnized with all the Rites and Ceremonies thereto belonging, a Toy ſhall take that young Man in the Head, to become a Fryer ; after that he is received into the Religious Fraternity, and has made Profeſſion thereof, the Pope will diſſolve the ſaid Marriage, ſo that it ſhall be lawful for the ſaid Virgin to marry another Man, provided there have been no Carnal Conjunction between them.

B. But in this Caſe which you ſuppoſe, it is not the Pope, but *Chriſt*, who frustrates the Marriage.

A. How, I pray you ?

B. Know ye not that *Chriſt*, being at the Wedding, did make void the Marriage of the Evangelist *John*, who was the Bridegroom ? Becauſe he took up a Reſolution to follow *Chriſt*. So alſo, the ſame *Chriſt* undoes the Matrimony of ſuch as have reſolved to follow him, and to become Monks and Fryers.

A. I, for my Part, never knew, that *John* the *Evangelist* was the Bridegroom at that Marriage where *Chriſt* was a Gueſt : Nor can I deviſe, how you came to the Knowledge of ſuch a Secret. Nay, verily, I cannot tell, how you ſhould know ſo much, as that the aforeſaid Marriage was diſſolved,
and

and that by *Christ*. I have thought that *Christ* was present at that Marriage, not to dissolve, but approve of Holy Matrimony. Nor do I believe, that to follow *Christ*, it is necessary to become a Monk or Fryer; rather, I know for certain, a Man may be both a Husband and an Apostle, as *Peter* was, and that Marriage is not repugnant to perfect Faith, Hope, and Charity.

B. Marriage is such a Band as couples and binds Men and Women together, so long as they live: And therefore, the one Party being dead, the Band is loosed, so that the Party surviving is free and unrestrained from marrying again with any other, as *Paul* writes, *Rom. vii.* If therefore natural Death dissolve Matrimony, we are, doubtless, to think, that it is much more dissolved by Spiritual Death. And because he who becomes a Monk or Fryer, is spiritually dead unto the World, we must needs confess, that the Marriage of such a one is dissolved, and that the Woman is free; neither is the Marriage dissolved by Man, but by Death.

A. They, likewise, who are baptized, are dead to the World, yea, and buried with *Christ*, and yet their Marriage is not dissolved: Because two Persons may be married together, the one of which is dead to the World, and alive to God, and yet

their Marriage held good and firm : Yea, and supposing both the Parties be dead unto the World, yet is not their Marriage frustrate. If Matrimony were a Thing naught and vicious, I should then confess, it could not be practised by good Christians, who are dead unto the World. But Marriage is a Thing so holy, that it is not repugnant to Christian Perfection ; and the same Man may be both in the highest Degree Spiritual, and a Married Man nevertheless. Nor do I truly believe, that Men are made dead to the World, and alive to *Christ*, by Monkery, more than by Christianity. But to return to the Point in Hand : Whereas you have alledged, that Saying of *Christ*, which forbids Men to separate whom God hath joined together, viz. by Marriage. I answer, If the Woman be an Adulteress, and therefore put away by her Husband, in such a Case, the Marriage is not dissolved by Man, but by God ; whose Pleasure it is, that, for Adultery, it should be dissolved. And therefore, as in every lawful Marriage, God is he who joins us together ; so, wherever Marriage is lawfully dissolved, God is he who dissolves the same. And again, when Marriages are unlawful, the Devil is the Maker and Joiner of them ; and he it is who dissolves them, when they are dis-

dissolved without just Cause. Add hereunto, That, seeing by Marriage, of two one Flesh is made ; if either of them commits Adultery, that Party breaking his or her plighted Faith, by joining him or herself unto another, and disjoining him or herself, from his or her respective Wife or Husband, dissolves the Marriage. And therefore, if the Wife has committed Adultery, and, for that Cause, her Husband marries another : In such Case, the Marriage is not dissolved by the Man, tho' he marry another, but by the Woman ; who, by her Adultery, has disannulled the Marriage. Therefore *Christ*, when he forbids Man to separate whom God has joined together, he does not only declare, that a Man ought not, without just Cause, to put away his Wife ; but also, that neither of the Parties should commit Adultery, because he or she who commits Adultery, does, for his or her Part, dissolve the Marriage.

B. But do you not understand the Mind of *Christ*, when he denies, that a Man ought to put away his Wife, save for Adultery ? For his Intent is not, that a Man, by his Wife's Adultery, becomes so free, that he may marry another Woman : His Meaning being only this, That a Man, in regard of his Wife's Adultery,

may be so separated from her, as to deny her Conjugal Benevolence; the Holy Band of Matrimony remaining, nevertheless, intire between them.

A. When the *Jews* divorced their Wives, the Matrimony was dissolved, so that not only they who divorced them might marry other Women; but the divorced Wives might, likewise, be married to other Husbands. Otherwise it had been needless for God, by *Moses*, *Lev. xxiii.* to forbid Priests to marry Women who had been divorced, in case such Women had not been allowed to marry; and yet God, by *Moses*, forbade the Priests to marry Women who had been divorced from their Husbands, *Mat. v. 19.* *Christ*, therefore, speaks after this Manner. It has been said, *viz. by Moses, Deut. xxiv. Whosoever will put away his Wife, let him give her a Bill of Divorce:* Namely, to the Intent, the Husband may not marry her again; and that she may be free, and in a Capacity to marry another Man; and that Marriage of hers may become firm and stably. *But I, says Christ, speaking after another Manner, do tell you, whosoever does put away his Wife* (that is to say, as the *Jews* were wont to put away theirs, who, having given them a Bill of Divorce, were freed, and enabled to marry others) *he*

he is an Adulterer. Therefore, it is lawful for a Man to put away his Wife, and marry another, only, in this Case, his Wife be an Adulteress. Marriage may, therefore, according to the Doctrine of *Christ*, be dissolved for Adultery, in such manner as the *Jews* were wont, for every Cause, to dissolve their Marriages, not only so, as that they should not have to do one with another, in a Conjugal Way; but, also, that each Party should be so free, as they might marry with any other. Neither, indeed, is it a true Divorce, unless the Matrimony be dissolved: Neither were the *Jews* acquainted with any other Kind of divorcing, or putting away of Wives, saving that which did abrogate and nullify the Marriage, and of such a putting away, or divorcing, it was that *Christ* spake, which is apparent from these Words, by him subjoined, *Mat. xix. If the Husband* (save in the Case of his Wife's committing Adultery) *does put her away, and marry another, he commits Adultery.* Therefore, if he put away his Wife for Adultery, and marries another, he does not, in so doing, commit Adultery. We must, therefore, from the Words of *Christ*, be forced to confess, that the Marriage is made void by the Wife's Adultery; seeing it is, in this Case, lawful for a Man to marry another.

ther. And that you may clearly see, that *Christ*, there, speaks only of such a Divorce as disannuls the Marriage ; do but consider, how the *Pharisees* tempting him, and asking him, if for every Cause a Man may put away, or divorce his Wife? *viz.* in such wise as the *Jews* did, by dissolving the Matrimonial Contract ; he answers them, that it is not lawful, save for Adultery. Marriage is therefore dissolved by Adultery ; otherwise, the Answer of *Christ* were impertinent. Nor shall I stand to say, That, if *Christ*, by the Term of divorcing, or putting away, had intended only an Abstinence from Conjugal Embracements, so as that the Marriage was, nevertheless, to continue firm, that Exception had contained in it Matter of Untruths : For it is all one, as if he had said, A Man may divorce his Wife only for Adultery. Now, that it should be unlawful for a Man, so to put away his Wife, as to abstain from her Bed, save in Case of Adultery, is false : for it is clear, a Man may lawfully do that for many Causes.

B. Let us suppose, and take for granted, that *Christ*, by the Terms of *putting away*, and *Divorce*, did intend the Abrogation and Dissolution of Marriage ; yet shall you never be able to make it appear, that a Man, by reason of his Wife's Adultery, may
marry

marry another : The Cause whereof is this. The Speech of *Christ* has two Members, each of which is true, and the first Member is this : *Whosoever puts away his Wife, save for Adultery, he makes her commit Adultery* ; that is, gives her Occasion of so doing, because he puts her away, not being an Adulteress. For, if he should put her away, being an Adulteress, he should not give her Occasion of adulterating, because she was adulterated before. The other Member is likewise true, being rightly understood, that is to say, without any Exception, viz. after this Manner : *Whosoever marries her who is put away (viz. unjustly) commits Adultery*. You see how the Truth of *Christ's* Speech stands firm ; nor can we conclude from his Word, thus understood, that Marriage is abrogated and nullified by Adultery.

A. According to your Opinion, therefore, *Christ* intimates, That if any Man puts away his Wife, not being an Adulteress, he gives her Occasion to commit Adultery, unless she were adulterated before. For, in such a Case, seeing she is already adulterated, she cannot be made an Adulteress. Now, if this be the Mind of *Christ*, what great Matter has he taught us ? For who knows not, that he who puts away his Wife, being already an Adulteress, does
not

not give her Occasion to commit Adultery, because the same has been already by her committed? It seems you have so low an Opinion of *Christ*, as to believe, that he should utter so frivolous a Speech. Tho' a Husband, divorcing his adulterous Wife, does not give her Occasion to commit her first Adultery, yet, questionless, if it be unlawful for him to put her away for Adultery; and, if the Marriage be not thereby dissolved, he who puts her away, gives her Occasion to commit new Adulteries; from which, to terrify us, *Christ* would doubtless, have said, That she ought not to be put away for any Cause; no, not tho' she should have committed Adultery: For as much as, even thereby, the Marriage could not be dissolved. It is therefore clear, that, as to the first Member of the Speech, this is the Mind of *Christ*; If a Husband put away his Wife, only because she is an Adultress, he gives her no Occasion to commit Adultery, because that, she, marrying upon these Terms, the former Marriage being dissolved, does not commit Adultery, but becomes the lawful Wife of her latter Husband; the Marriage which she had made with her former Husband, being, by her Adultery, dissolved. Certain, likewise, it is, that those Words of Exception, used by *Christ*, are likewise to

to be accommodated to the Second Member of the Speech, so that the Sense of *Christ*, in that Member, may be this ; That if any Man marry her who is put away, he commits Adultery, unless she were put away for Adultery. And that this is the Intent of *Christ*, is apparent, not only from the Tenor of his Words, but, also, much more from what he says in another Place ; explaining the said Words, *Mat. xix. 9. Whosoever, says he, puts away his Wife, save for Adultery, and marries another, commits Adultery*: And so does he who marries her who is put away. Here it is manifestly apparent, that the Exception is to be accommodated to each Member of the Speech, and that the Meaning thereof is this ; That he sins not, who having divorced his Wife for Adultery marries another : And that he, likewise, does not sin, who marries her who has been divorced, or put away for Adultery.

B. Will you make *Christ* to contradict *Paul*, who thus speaks, *1 Cor. vii. 10. Unto the Married I command, yet not I, but the LORD, Let not the Wife depart from her Husband ; but if she depart, let her remain unmarried, or be reconciled to her Husband* : And then, without any manner of Exception, he adds this following Speech, *And let not the Husband put away his Wife*. And there-

therefore it is unlawful for a Man to divorce his Wife for Adultery.

A. Do you believe, that it is *Paul's* Meaning, that it is not lawful for a Man, upon any Occasion whatsoever, to put away his Wife, and marry another; no, not for Adultery?

B. I believe it.

A. But I have shewn already, that the Sentence and Judgment of *Christ* is, That a Man may lawfully put away his Wife for Adultery, and marry another. How can it, therefore, be, that *Paul* should faithfully declare the Commands of *Christ*, as he says of himself he did, if his Mind was to speak contrary to what had been said by *Christ*, viz. *That a Man ought not to divorce his Wife, no, not for Adultery?* For, if this be his Sense, certainly *Paul* was no faithful Messenger of *Christ*. And therefore, if we will grant, that *Paul* faithfully delivered the Mind of *Christ*, we must confess, that by him Adultery was excepted, as well as by *Christ*, altho' *Paul* did not, in Words, express so much. For this Cause, *Ambrose* conceived, that in the Words of *Paul* the Exception of Adultery must be understood, lest *Paul* should be contrary to *Christ*. Add hereunto, That seeing *Paul*, in this Place, exhorts to Reconciliation, it is clear that he speaks not of Adul-

Adultery, but of other smaller Injuries, for which the *Greeks* were wont to make Divorce, and which might easily be reconciled; for which kind of Injuries, *Paul* would not, by any Means, have Married People to divorce. It may, likewise, be said, That altho' the Mind of *Christ* is, that he who puts away his Wife who has committed Adultery, and marries another, is not an Adulterer, because, in such a Case, the second Matrimony is good and valid, as the first was; yet he did not think it was rightly done, and that Husbands of adulterous Wives ought always to divorce them, and marry others. But rather that it may sometimes so happen, that the Wife being an Adultress, her Husband may, nevertheless, sin if he put her away, and take another: For, in case a Wife has committed Adultery, and the Husband be so minded as to judge that it makes more for the Glory of God not to put her away and take another, than the contrary; supposing it probable, that if he take the Adultress again, she will be reclaimed; but if he put her quite away, she will grow worse; he ought not to divorce her; and if he marry another, he sins; not because the second is no true Marriage, but because, in refusing and divorcing her, and marrying another, he

has

has sinned against Charity, and his own Conscience : And because it is likely, that many times it is the best Way not to divorce them, *Paul* gave Order, in the Name of *Christ*, That they should not be divorced, altho' they did commit Adultery, in case the Husbands believe, that it will make more for the Glory of God not to divorce them : But if the Husband judge, that in case he be reconciled to her, both she, and other Wives, by her Example, will become more insolent and depraved, to the great Dishonour of God, he ought to put her away by Divorce.

B. Paul, in another Place, says, That *the Wife is bound to the Husband, by the Law, so long as she lives* ; so that, if she marry another Man, she becomes an Adulteress, which holds not he being dead ; for then, being freed by the Death of her Husband, she is, by the Law, allowed to marry another. And therefore, a Wife cannot, so long as her Husband lives, any-ways be freed from the Band of Matrimony, and marry another.

A. They who hold it lawful for a Man, because of his Wife's Adultery, to marry another, do not, therefore, think it lawful for a Woman, by reason of her Husband's Adultery, to marry another Man. I may, therefore, grant you that which *Paul* writes,
viz.

viz. That it is in no wise lawful for the Wife, during her Husband's Life, to marry another, tho' her Husband be an Adulterer. But it does not, therefore, follow, that the Husband cannot divorce his adulterous Wife, and marry another. And, therefore, tho' the Husband has Power to put away his Wife, having played the Adultress, yet has not the Woman the same Power to divorce her Husband, in case he prove an Adulterer, and marry another Man.

B. But what Arguments do those Men bring to maintain this their Opinion?

A. The very Words of *Christ*, who says, expressly, *That it is lawful for a Man to put away his Wife for Adultery:* But that it should be lawful for a Woman to put away, or refuse her Husband for Adultery, he has not said: Neither did *Moses* speak so much as one Word of the divorcing of Men. They add, also, this Argument, Because the Husband is Head of his Wife, and has Authority over her, he may, upon the Occasion aforesaid, put her away; which the Wife cannot do to the Husband, as having no such Authority.

B. If Marriage be dissolved by Adultery, so that of two there is no longer one Flesh made, as there was by Matrimony; seeing the Husband's Adultery is as much Adultery as the Wife's, I admire that Marriage

riage is abrogated and dissolved by the Woman's Adultery, and not by the Man's likewise.

A. Marriage is not so dissolved by Adultery, that, as soon as the Adultery is committed, the Band of Matrimony is loosed, and broken afunder ; so that, neither the Woman is any longer his true Wife, nor the Man her true Husband. For, supposing the Case to be so, it were necessary they should be married again, to the End that they might enjoy one another in a Conjugal Way, without Sin. And, therefore, the Marriage is not dissolved by the Act of Adultery ; but by the Woman's Adultery it comes to pass, that the Man has Power to divorce her, and she being divorced, the Matrimony is dissolved, which does not so come to pass by the Man's Adultery ; forasmuch as the Wife does not thereby acquire any Power to put away her Husband, or divorce herself from him.

B. Nay, but a Wife may also put away her Husband if he be an Adulterer ; altho' neither *Christ* nor *Moses* have expressed so much, nor the *Jews* ever practised the same.

A. I will give you another Answer to the Words of *Paul*, and say, That it is not necessary that Similitudes and Comparisons should in all Points agree ; but it is enough

if they agree in that Particular for which they are brought ; as, when *Christ* says to his Apostles, *I am the Vine, ye are the Branches* ; his Meaning is, by that Similitude, to declare ; That as the Vine-Bran-ches cannot bear Fruit without the Vine, neither can they without *Christ* ; and if, in that Point, the Similitude hold, it is enough. But he does not, likewise, intimate this, That as the Branches of the Vine bear Fruit only once a Year, so they bring forth the Fruits of Righteousness only once a Year. So *Paul*, in the Place before al-ledged, would declare to the *Jews* con-verted to *Christ*, That they were not now under the Law, seeing, by *Christ*, the Car-nal Man was killed in them, who stood in Need of the Law ; and brings them the Example of a Woman who may lawfully marry again, her Husband being dead. It is, therefore, sufficient, if in this Particular the Comparison hold (as it doth) That as, by the Death of her Husband, a Wife is freed from the Law of Marriage, so that she may be married to another Man ; even so we, by the Death of the Carnal Man, are made free from the Law of *Moses* ; seeing that we now operate, not by Command of the Law, but by Impulse of the Spirit, and are no longer under the Law, but un-der Grace. Yet is it not unlawful, therefore,
for

for a Wife to marry again, her former Husband being yet alive, in case she be by him divorced.

B. And yet *Paul* says, *Rom. vii.* While he lives she cannot marry another, without being thereby an Adulteress.

A. I answer, in that Place, the Saying of *Paul* runs thus ; I speak to such as know the Law, viz. the *Jews*, who are already baptized, who know the Law allows a Man to put away his Wife, by giving her a Bill of Divorce ; by which Means, she being freed, may marry another Man. This, therefore, was the Mind of *Paul*, that she might not marry another, during her Husband's Life, unless she be first divorced from him ; and, therefore, during her Husband's Life, it is not in her Power to marry, tho' she be an Adulteress, because the Power of divorcing is not in her, but in her Husband. And I am of the same Opinion, touching what the same *Paul* writes in another Place, *1 Cor. vii. 39.* *The Wife* (says he) *is bound by the Law as long as her Husband lives ;* that is to say, she cannot marry to another, unless her Husband put her away for Adultery. *But if her Husband dye, she is freed from that Law.*

B. As God allowed the *Jews*, by reason of their Imperfection, and to give a little Way to the Hardness of their Hearts,
to

to divorce their Wives when they pleased ; so we must needs confess, that He has denied this Liberty to *Christians*, because they are perfect.

A. This, indeed, is manifest : Unless Sin had been in the World, there would never have been any Divorce : And unto *Christians*, who ought to be perfect, Divorce may be, in such a Sense, said to be forbidden, inasmuch, as Adultery is forbidden. But if a Woman be an Adulteress, her Husband is allowed to put her away, and to marry another. Even as if there had never been any Sin, Parents would never have cast off, or renounced and disinherited their Children ; and *Christians*, as those who should be perfect, are so far forbidden to renounce their Children, forasmuch as those Causes are forbidden for which they may justly renounce them : But if the Children be such, that their Parents may justly renounce them, it is allowed to Parents both to renounce them, and to adopt others in their Stead.

B. As the *Jews* offended, in divorcing their Wives, so do also the *Christians* ; and indeed much more.

A. If, at any Time, the *Jews* did divorce upon a just Ground, they sinned not ; no more do the *Christians*.

B. There

B. There can be no just Cause of Divorce, by reason of those mighty Inconveniencies which follow the same.

A. *Christ*, it seems, was not aware of those so great Inconveniencies, which Divorce, as you say, brings along with it: Or you are more careful to preserve Sanctity than *Christ* was. If Divorce drew so many Inconveniencies after it, as you say, we ought to confess, that *Christ* did ill, who allowed a Man to practise it, by reason of his Wife's Adultery.

B. If *Christ* did permit it, he permitted it only as an evil Thing.

A. That he permitted it to a Man, in case of his Wife's Adultery, is apparent, out of his Words, which we have formerly heard. But whether he did well or ill, in permitting the same, that is a Thing, truly, which I would learn of you. Nor do I take you to be so shameless as to say, that he did well in permitting the same.

B. He did well to permit it.

A. If he did well to permit it for Adultery, it follows, That they do not well, and are contrary to *Christ*, who deny the same, tho' a Man's Wife be an Adulteress.

B. They do it to a good Intent, that those Inconveniencies may be avoided, which are wont to spring from Divorces.

A. If

A. If greater Inconveniencies arise from the Allowance, than from the Forbidding of Divorce, *Christ* did ill to permit the same; and they have done well who have forbidden it. But because it were Wickedness to say, That *Christ* did ill to permit it, we must confess, that they have erred who forbid it, and that greater Inconveniencies arise from denying, than from permitting the same. Therefore it is rightly permitted by *Christ*; seeing, of two Evils, if one must be chosen, we ought to chuse the least. But, let us take this Course; do you reckon up the Inconveniencies which arise from divorcing Wives for Adultery; and I will recount such as spring from forbidding to divorce them: Which Evils, being afterwards put into the Ballance, one against another, we shall see which are the greater.

B. I am content. And in the first Place: If it were lawful for Men to put away their Wives for Adultery, seeing the Number of unchast Women is great, there would be a World of Divorces, from whence infinite Inconveniencies would arise.

A. In the first Place, I believe, there are many chast Women; and if some prove unchast, I am sure there will be the fewer if they shall know they may be divorced for Adultery, and shall suffer the just Penalties

nalties thereof. Add hereunto, That I do not say, that a Man may put away his Wife for every Suspicion ; no, not if he see her play the Adulterers with his own Eyes ; but only, if he shall convict her of Adultery, before Judges appointed to hear such Cases. Nor is the Husband, in such Case, bound to put her away ; nay, but it is lawful for him, not only not to put her away, in such a Case, but to be reconciled to her. Yea, and he is bound to do it, if for some Cause (which may sometimes happen) he shall foresee, that it will be more for the Glory of God, to be reconciled. I add this also ; Altho' the Woman be convicted of Adultery, yet is it not lawful for the Man to divorce her, and to marry another, without the Magistrates Consent, who may sometimes determine, that he shall not divorce her : As if, for Example sake, he fears, lest if he should divorce her, the Woman's Parents should raise great Tumults, and there should be Danger of much Bloodshed : And, therefore, there would not be, in this Case, so many Divorces, as you have intimated.

B. If the Magistrate, in such a Case as you have propounded, would not suffer her to be divorced by her Husband, he should then, according to your Judgment, go
contrary

contrary to *Christ* : And therefore the Husband ought not to obey him.

A. Nay, but he ought ; for he should not go contrary to *Christ* : For *Christ* does not *command*, that a Man *should* put away his Wife for Adultery ; he only *grants* that he *may* do it. And the Man ought, doubtless, to divorce her, if *that* shall tend more to the Glory of God : But, if to divorce, be more dishonourable to God, then not to divorce, as it is in that Case by me propounded, he ought not to divorce her. The Magistrate, therefore, acts not therein contrary to *Christ*, but agrees with him ; and the Husband ought to obey him, and not to divorce her ; because *Christ* would have Offences, and the Dishonour of God, avoided.

B. Put the Case, that it is no Dishonour to God, to divorce her, and the Husband believe as much ; but the Magistrate refuses, for some human Consideration, having no Regard to God, what shall the poor Husband do in this Case ?

A. Not divorce her.

B. But what if he shall, contrary to the Mind of the Magistrate, divorce her, and marry another ?

A. He shall sin who marries another, and deserves to be punished.

B. Suppose he cannot contain, what shall he then do?

A. Pray to God to give him the Gift of Continency.

B. What if God shall not grant his Request?

A. There are divers Remedies. In the first Place, let him be reconciled to his Wife.

B. What if she be afraid to have to do with him again?

A. Let him relate the whole Business to the Magistrate, and make it appear, that he wants the Gift of Continence.

B. What if the Magistrate will not allow him any Remedy?

A. Let him marry another, with all possible Secrecy; and, if it happen to come to Light, yet can he not justly be punished. But, it were better for him, to go into some other Jurisdiction, where he might be allowed to marry another openly.

B. If Husbands ought to obey the Magistrate, in not putting away their Wives, tho' he unjustly forbid them, why ought they not to obey the Pope, who would have them put away for no Cause, no, not for Adultery; notwithstanding that Precept of his be unjust?

A. In such a Case as I propounded, the Magistrate ought to be obeyed, and not the

the Pope ; and that for this Reason : The Authority which Magistrates have, is not contrary to *Christ*, but agreeable to the Will of God ; and, therefore, they ought not, by Refractoriness, to be contemned, but to be honoured, by Obedience. But, the Authority of the Pope, is point-blank contrary to the Authority of *Christ*, and ought, therefore, to be contemned and opposed. And that this is so, I thus demonstrate : The Godly and Christian Magistrate has a Power of taking Cognizance, whether Women accused of Adultery, are, indeed, and in Truth, Adulteresses, or not. And, in case they shall be lawfully convicted of Adultery, they have the Power of judging, by fundry Circumstances, whether it is best they be divorced, or not. And, in case they may sometimes err in their Judgment, their Authority is not, therefore, contrary to *Christ*, as the Pope's is ; for their Business is not to hinder all Divorces, but providently to consider, when they may be allowed, or not allowed ; being well assured, that it may often so fall out, that they may be lawful and fitting. But the Pope's Work is, to prohibit all Divorces, as if to divorce were never lawful, contrary to the Doctrine of *Christ*, who taught, That a Wife may lawfully be divorced for Adultery : It is,

therefore, fit, in this Case, to condemn the Authority of the Pope, as pernicious, and contrary to *Christ* ; and, on the other Side, to honour the Authority of Magistrates, and obey the same, as being useful in itself, and agreeable to the Mind of *Christ*, tho' they may, sometimes, abuse the same. But, to return to our Matter in Hand: Do you go on to declare the Inconveniencies which attend Divorces.

B. When Women are not pleased with their Husbands, they will commit Adulteries, that their Husbands may divorce them, to the End, that, being at their own Disposal, they may, at Pleasure, marry other Men.

A. But this would very seldom happen : In the first Place, because they would understand, that possibly they might not be divorced, tho' they should prove Adulteresses : Again, because, altho' they were divorced, being made infamous, hardly any Men would marry them. Add hereunto ; That if just Laws were in Force, they should be put to Death, or be, at least, so punished, as it would be impossible for them to marry.

B. If a Man might put away his Wife for Adultery, and marry another, his marrying another Wife would shew, that he divorced the former, not so much because

cause offended with her Adultery, as because he was allured by Love of the second.

A. Holy Men can do nothing so uprightly, but that wicked Persons may, at least, calumniate their Intentions ; yet ought they, nevertheless, to persist in that which is right. If Divorce should be practised for Adultery, according to God's Word, whenever it were done, by Order of the Magistrate, it would give Occasion of Offence to no Man : And, if so be, nevertheless, some wicked Person should, by such Divorce, take Offence where none was given, it were not, therefore, just to compel the innocent Husband to hold Society with so wicked a Woman, to his great Disgrace and Infamy, as in such a Case would happen ; or to live Single all his Life after, whether he were indued with the Gift of Continence, or not. But, go to, consider with yourself, how many Inconveniencies have arisen upon this Ground, *viz.* because it has been wholly forbidden to divorce for Adultery. In the first Place ; many Men have killed their Wives whom they have taken in Adultery, that they might free themselves from so shameless a Companion, and have, by that Means, Liberty to marry another ; which they would not have done, if they might have

been allowed to divorce them. Moreover, many Husbands, offended by their Wives Adultery, and loathing to hold Society with them, have given them Poison privately, or have run away from them ; and many times, the Wives themselves, for Fear of Death, have abstained from the Society of their Husbands, in such Cases ; and wanting, peradventure, the Virtue of Continency, have committed innumerable Crimes ; which they had not done, if, being made each of them free by Divorce, they might have joined themselves to some other in Marriage. And these were the Fruits of (Sir Reverence) those holy Interdictions of the Pope, forbidding Divorce for Adultery, and License to the divorced to marry again.

B. As *Christ* sticks close to his Church, and cannot be separated from her, being his Spouse ; so a Man ought to cleave unto his Wife, without any Possibility of Separation.

A. Nay, rather, As *Christ* divorced the *Jewish* Commonwealth, because she broke her Covenant with him, and had played the Harlot with many Lovers : So a Man may divorce his Adulteress Wife, and marry another.

B. No Man marries a Wife to divorce her.

A. Nor

A. Nor does any Man marry a Wife for her to play the Adulterers.

B. But all Men know, when they marry Wives, that they cannot divorce them, altho' they should prove Adulteresses ; and they marry them with such a Mind, as not to divorce them : Whence it follows, That it is not lawful for them to divorce them.

A. Seeing it is false, that they may not be divorced for Adultery, and that which is false cannot be known, it follows, That Men, when they marry, do not know that their Wives may, in no Case, be divorced. They had, indeed, such a false Persuasion ; but their Error being removed, they may lawfully and honestly divorce them, tho', thro' erroneous Persuasion, they promised the contrary.

B. You can never reckon up all the Causes, for which Divorce ought to be made ; and, therefore, it is better wholly to forbid it.

A. Truly, you reason most excellently ! Just as if you should say, You shall never be able to reckon up all the Causes for which Men ought to be punished ; and, therefore, it is the best Way, to forbid all Punishment of wicked Men. But I, for my Part, in the first Place, do assuredly know, from the Words of *Christ*, That a Wife may be divorced for Adultery. I

know, likewise, that Magistrates may, and ought, to put in Execution these Divorces for Adultery, so often as they see it may make for the Glory of God. I know, also, that Divorce may be made for *Infidelity*, because *Paul* has so said.

B. You shall never make me believe *that*, while I live.

A. Peradventure, I may persuade you, nevertheless. But, because Dinner-time is already past, and I find my Stomach crave Refreshment, you shall dine with me. After Dinner, we shall have Time enough to consider ; Whether or no a Man may divorce his Wife for *Infidelity*.

B. Content.

F I N I S.



THE
C A S E
OF
DIVORCE,
AND
RE-MARRIAGE
thereupon, Discussed.

OCCASIONED BY
The late Act of Parliament for the
Divorce of the Lord R O O S.

*I know that Messias cometh which is called
Christ ; when he is come he will tell us all
Things, John iv. 25.*

L O N D O N :

Printed in the Year M, DC, LXXIII.

TO THE
READER.

THESE Papers were drawn up when the Business of the Lord Roos was debated in Parliament, and had their Rise from that Transaction. The first Part of them was written by a † Private Hand, and was occasioned by a Discourse with a learned Bishop (now with GOD) upon that Subject ; and being presented to him, he returned the following Animadversions upon it, to which the Answer, here set down, was then given by the same Hand. The Whole is now made public for thy Information and Satisfaction about this Matter.*

THE

* See Cases of Divorce.

† Sir Charles Wolfeley.

THE
C A S E
OF
D I V O R C E,
AND
R E - M A R R I A G E
thereupon, Discussed.

By Sir CHARLES WOLSELEY.

AN Incapacity for the Ends of Marriage, previous to it, makes a Nullity of the Marriage, upon a subsequent Discovery of it. This needs no Determination by any positive Law; for the Law of Nature, and the Reason of the Thing itself, gives an universal Determination of it every-where.

By

By the Law of *Moses*, Unchastity before Marriage, or Contraction (if concealed) and all Unchastity after Contraction or Marriage, was to be punished with Death, and no Mention made in the Law of any such Thing as Divorce in that Case.

Moses, in *Deut.* xxiv. 1, 2. gave this Allowance for Divorce, *When a Man hath taken a Wife, and married her, and it come to pass that she find no Favour in his Eyes, because he hath found some Uncleanness in her: Then let him write her a Bill of Divorcement, and give it in her Hand, and send her out of his House: And when she is departed out of his House, she may go and be another Man's Wife*; which was but an Allowance in some Cases, and in those too did rather *liberare à Pœna* than a *Vitio*. We need not inquire farther why this was done: Our Saviour has given us a perfect Account of it; such a Permission was granted to them, because of the Hardness of their Hearts, and the unruly, stubborn Behaviour of the *Jews* towards their Wives in that Particular. *Moses*, who we are to consider as a Legislator to a State, as well as a Church, suffered it to be, as the most tolerable Remedy that People were capable of, and in Favour chiefly of the Women.

This Permission of *Moses* came, in the Practice of it to be so far extended amongst them,

them, that whoever desired to put away his Wife, was allowed to do it, without giving any Reason at all, besides his own Pleasure, why he did it. This we may see in Mr. Selden's *Uxor Hæbraica*; and Grotius tells us, *Quod Consuetudo legis interpret nullam à marito causam dirempti Matrimonii exegerit*; and adds, *Alioqui enim non potuisset Josephus Maria clam dimittere: Potuit igitur maritus dicere quod Romæ dixit Paulus Æmilius, sibi optimè notum quàm calceus urgeret.* This Custom was in itself greatly inconvenient, and, as one says of it, for a Man, *Nulla aut levissima de causa uxorem dimittere, ut jam de primæva Dei Institutione nihil dicam, vel sola charitatis lex prohibebat, sive uxorem respicias, quæ veluti supplex ad mariti tutelam confugit, sive communes etiam liberos.* Heathen Nations rarely practised any such Thing; the Romans in particular, of whom an ancient Author says, *Romani, cum nulla lex repudium veta-ret, annos tamen quingentos & viginti sine exemplo repudii egerunt: Nec quisquam fermè scriptorum est qui non gravitèr reprehendat Marcum Tullium Ciceronem, quod levibus de causis Terentiam dimiserit.*

Our Saviour, in the Gospel, before the Pharisees asked him any Question about this Matter (which they did, and their Question and his Answer is set down in the
 xixth

xixth of *Matthew*, and the xth of *Mark*) determines it, in the vth of *Matthew*, in his Sermon upon the Mount, there being, indeed, nothing wherein that People needed more Reformation than in that Particular; his Words are, *ver. 31. It hath been said, Whosoever shall put away his Wife, let him give her a Writing of Divorcement: And ver. 32. But I say unto you, That whosoever shall put away his Wife, saving for the Cause of Fornication, causeth her to commit Adultery, and whosoever shall marry her who is divorced, committeth Adultery.* By this it is plain, that whatsoever Toleration they had, from *Moses*, about putting away their Wives, and whatsoever farther Liberty they took to themselves in that Matter, it is totally repealed and condemned, and no Cause of Divorce and putting away allowed to be good, but in Case of Fornication and Unchastity.

There ariseth this Difficulty from the Consideration of our Saviour's Words; Whether he did thereby intend to institute a new Law in the Case; or, whether he only spake Interpretatively, with Reference to the Law of God, then in Being. Those who are inclined to think he did institute a new Law, urge it from hence, that our Saviour speaks of Fornication and Unchastity as a Ground, and the only Ground, of Di-

Divorce, which, by the Law, had another Punishment appointed for it, and such a one as made Divorce impossible and impracticable ; for they were to be put to Death who were so found guilty, and of that Law, our Saviour takes no Notice ; say they, the Punishment the Law appointed to be inflicted for Fornication and Adultery, and the Direction our Saviour gives about it, cannot consist together ; the one directs Divorce, the other appoints Death. I suppose our Saviour, in what he here determines about this Matter (as in many others of his Determinations about other Things) speaks so, as that he gives a full Satisfaction to Men, according to the present State of Things then in Being ; and also establisheth a Divine Law upon such Grounds which shall last for ever in the Church.

For the First, That he spake with Reference to the Law then in Being, and to settle the Consciences of Men, who desired to perform their Duty, as Things then stood, I gather from hence.

First, Because he spake to such who were then all of them under an Obligation to the whole *Mosaical* Law ; for so were the *Jews*, and *Christ's* own Disciples, to whom he preached,

Secondly

Secondly, He plainly seems, all thro' that Chapter, to Comment upon the Law of *Moses* and Evangelize it, and to give the true and genuine Meaning of it against the corrupt and perverse Interpretations of the *Scribes* and *Pharisees*; and when he says, *But I say unto you*, he does not so much oppose himself, and what he said then to *Moses*, and what *Moses* had said before, as to what the *Scribes* and *Pharisees* had falsely said in *Moses's* Name, and so rather vindicates the true Sense and Intention of the Law under his own Name. And tho' his Determinations in some Things exceed the Law, yet in all Things they contain the true Sense and End of the Law.

Thirdly, When the *Scribes* and *Pharisees* asked our Saviour, in *Matthew* xixth, about this Matter, what lawfully might be done in it, our Saviour answers them with the very same Determination, and therefore it is plain he spake with Reference to what was at that Time to be accounted legal, according to the Laws and Institutions of God, then in Force; and there is nothing in what our Saviour says, that does any way contradict the Law of God, in Being, but gives a Satisfaction to Men's Consciences

ences how they were to behave themselves under it.

We must note this, That our Saviour is singly upon the Point of Divorce, and putting away, he meddles not at all with the Law about Adultery, but leaves it to its due Execution: His saying, *That Crime was the only lawful Cause of Divorce*, did not prejudice it to any greater Punishment due to it; he only determines about the Matter of Putting away and Divorce; and he determines thus, in Opposition to the *Jewish* Practice, and the first Permission of them, That there is no Cause at all upon which a Wife may be put away, but where the Marriage-Bond is dissolved, which is only in the Case of Fornication and Adultery, where the Woman was then legally dead, and ought to be put to Death, if prosecuted, and the Fact proved, and that all putting away the Wife, upon any other Ground, is unlawful and sinful. Now this Determination of our Saviour about Divorce, might be a Satisfaction to Men in Conscience, and a Ground for them to put away their Wives for Fornication and Adultery, tho' the Law of God against Fornication and Adultery, to punish it with Death, was unrepealed, and they under the Obligation of it, and that in three Cases.

First,

First, The Law did not oblige the Husband to go to the Judge, and prosecute his Wife for Adultery ; nor does our Saviour impose farther in that Case than the Law did upon him ; and therefore such who were *Lenes Mariti*, as *Joseph* was, and had no Mind to prosecute their Wives to Extremity, were, by this, delivered from a Necessity, either to live with an Adulteress, or else to prosecute her to Death, and are set free in Conscience to give her *Libellum Repudii*, and part from her.

Secondly, Supposing a Man could not have Justice done upon an Adulterous Wife, when he did his best in Prosecution of her (and this was like enough to be the Condition of many a Man in that corrupt State of Things among the *Jews* at that Time, and was actually so, the Execution of that Law having been for a long Time forborn ; and well may we think it should be so, for all Capital Punishment was at that Time taken from the *Jews*, and not in their Power ; so the *Sanhedrim* confess, *John xviii. 31. It is not lawful for us to put any Man to Death* ; in that Case, our Saviour gives free Liberty for the Husband to divorce himself from her, and make Use of that

that Freedom the *Jews* took, of Putting away.

Thirdly, Supposing a Man were inwardly satisfied of his Wife's Unchastity, and certainly knew within himself, she was guilty of Adultery, yet had not such Proofs as would make it out in a Judicial Way, to gain Execution of the Law against her, to put her to Death ; in such a Case (which we may easily suppose might often fall out) our Saviour sets the Man's Conscience to put her away, and divorce himself from her : In all these Cases, our Saviour's allowing Divorce, in case of Unchastity, was of great Use then to settle the Consciences of Men, who were obliged to the Law, and no Infringement at all of the Law itself : He gives a Rule to limit that exorbitant Liberty Men took to themselves, of putting their Wives away, and tells them, in what Case only it may be done, which was in Case of Fornication ; and that might very well happen to be the Case, tho' the Law for punishing it with Death was still in Force ; and so our Saviour speaks of it, as it might then accidentally relate to Divorce and Putting away ; but by no Way lays any Arrest upon the Punishment the Law inflicted upon it. The Truth is, our Saviour promulged such a general Law, in the Case,

Cafe, as gave a sufficient Determination, as Things then stood, and might satisfy Men's Consciences what then to do in the Point of Divorce, and was to be a Rule to the Church, about that Matter, to all future Ages. That our Saviour intended it so, is very evident from those general Grounds upon which it is established, and all the Circumstances which attend it; nor is there one Word, in the whole Chapter, but is of that Nature; it is Evangelical, as well as Legal, and looks forward to the Gospel-Church to come, as well as it contains a Direction to the present Church of the *Jews*: Where-ever, throughout that Chapter, our Saviour speaks of any Law in Force among the *Jews*, even of the Judicial Laws, he induceth, by his Determinations about them, that Equity which was moral and perpetual in them, and to last for ever in the Church. It seems also necessary, there should be some Direction left by our Saviour, in this Point, or else the Church, under the Gospel, would have been wholly without any Rule about it, and there could never have been, upon any Terms whatever, any such Thing as Divorce practised in the Gospel-World; for what *Moses* permitted about it was accidental, and temporary, and peculiar to the *Jews*, and our Saviour shews us the Rise
of

of it, and the Reason of it, and forbids all farther Practice of it : The Law against Adultery and Uncleanneſs determined thoſe Crimes another Way ; and, beſides, that Law of puniſhing Adultery with Death, was purely judicial, as much as puniſhing a diſobedient Child with Death, was ſo, and wholly relating to the *Jewiſh* Œconomy. It is true, the Offences, in theſe Caſes, were moral and natural Evils, and do ſtill ſo continue ; but that Manner of puniſhing them, then, was judicial and temporary. We ſee, at this Day, it is not an eſtabliſhed Law, no, not in the moſt *Chriſtian* Nations, to puniſh Adultery with Death ; and, therefore, our Saviour, who was guided by infinite Wiſdom in all he did, ſpoke ſo, as might give Satisfaction to every Conſcience under the Law at that Time, upon what Terms only to make Uſe of the Liberty of Divorce, and Putting away, then ſo frequently and commonly practiſed, and, alſo, gave a perpetual Rule to the Church, *That the Bond of Marriage ſhould be preſerved ſacred, and, upon no Account, but that of Fornication, diſſolved* ; and, in that Caſe, whatever the Laws of particular States might be about it, yet, the Obligation of Marriage ceaſed, and the Conſciences of Men were, for ever, ſet free.

This Doctrine of our Saviour, about Divorce, established in the vth of *Matthew*, is again repeated by him in the xixth of *Matthew*, in Answer to the *Pharisees*, who there questioned with him about the same Matter: He there tells them, *There is no Cause lawful, for a Man to put away his Wife, but only Fornication*, and that he admits to be a lawful Cause, and the only lawful Cause. In the xth of *Mark*, our Saviour's Discourse is set down, without the Exception of Fornication, and runs general, *That whoever puts his Wife away, and marries another, commits Adultery*. And so in the xvth of *Luke*, our Saviour says, without any of the Circumstances in his other Discourses of it, in the general, and without the Exception of Fornication, *That whosoever shall put away his Wife, and marry another, commits Adultery*. It must be noted, that what *Mark* sets down, in the xth of *Mark*, is the very same Story recorded by *Matthew*, Chap. xix. And both the Evangelists give an Account of the same Discourse between our Saviour and the *Pharisees*, at one and the same Time: That is so clear, that it is not to be denied, and, therefore, whatever is set down by *Matthew*, must be admitted to belong to the Story, and be implied in it, tho' omitted, and not expressed by *Mark*; and so, what-

whatever is in *Mark*, which *Matthæw* hath omitted, must be, likewise, supposed to belong to the Story, or else we must imagine, the Evangelists not to be both in the Right in their Relation of the same Story, which cannot but be ; and, therefore, *Matthæw* expressing, that our Saviour added that Exception, (*except in the Case of Fornication*) it is to be supposed and implied, in the Relation *Mark* makes of the Story, tho' he express it not, neither in what he said to the Disciples, nor to the *Jews* themselves ; for the Answer is there general to both : *Calvin*, in his *Harmony upon the Evangelists*, says, upon this Place, *That it is the same Story related in both Places, and there is no other Difference*, says he, *but, that one sets down the Matter of our Saviour's Discourse more fully than the other, it being,* says he, *most usual for one Evangelist to omit some Passages and Circumstances in the same Story mentioned by another.*

St. *Luke*, in his Relation of what our Saviour said about this Matter, omits all the Circumstances of his Discourse, and only mentions, in short, this general Expression of our Saviour, *That, whosoever should put away his Wife, and marry another, committed Adultery* ; which is evidently spoken of those unlawful Divorces

daily practised among the *Jews*, and directed against them.

Some conceive, that our Saviour's Determinations, in this Point, were intended with a Distinction ; that is, that when he spake in general against putting away, without any Exception, he spake relatively to his Disciples, and to the Gospel-Church to come ; but when he spake of it with the Exception of Fornication annexed to it, he intended that only with Relation to the *Jews*, and so the Exemption now concerns not us, but was only meant to them, and terminated there.

Very many Things strongly oppose this Apprehension.

First, In the vth of *Matthew*, where our Saviour gives the first, and most solemn Determination about this Point, it is plain, he spake to his Disciples, as well as the Multitude of the *Jews* ; for the Chapter begins, *And seeing the Multitudes, he went up into a Mountain ; and when he was set, his Disciples came unto him ; and he opened his Mouth, and taught them, saying, &c.* And he often, in that Sermon, directed his Discourse particularly to his Disciples ; for so he did in the 14th Verse, where he tells them, *Ye are the Salt of the World ; a City set on a Hill cannot be hid ;* which

which must be spoken to them : Nor was there any Reason why our Saviour should preach one Doctrine, in this Matter, to his Disciples, and another to the *Jews* ; for, the Disciples were equally obliged then to the Law, and concerned in all that the *Jews* were, and, therefore, the same Doctrine must needs be common to them both.

Secondly, We find not the least Ground from any thing our Saviour said, any where, to make any Distinction in this Matter, to believe the Rule was given general to one Sort of Men, and with an Exception to another ; but we find the Rule, often, generally laid down by our Saviour, with this general Exception annexed to it ; and in that Case, where our Saviour once gives a general Rule, with a general Exception annexed to it, whereforever our Saviour after repeats the same Rule, we must suppose the Exception, or else we can never be able to make our Saviour to agree with himself. Nothing more usual, than to imply remote Exceptions under Generals, to reconcile the Scripture with itself, much more in this Case, where our Saviour himself, so often joined the Rule and the Exception together. Our Saviour bids us positively, in the same Chapter, *Not to swear at all*, in general Terms, yet,

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yet, every Man, who is sober, will, under this General, imply all the lawful swearing the Scripture any where else enjoins, or approves, because we must not make the Scripture militate with itself.

Thirdly, There can be no good Reason to limit what our Saviour said about Divorce, in the vth and the xixth of *Matthew*, to the *Jews* only, but we must needs admit it to be a general Law given, in the Case, to all Ages, because he grounds his Determination about it, not upon the Judicial Law, but upon Reasons drawn from the general Law of Nature, and the first Institution of Marriage, by God, in the Creation of Man and Woman, at the Beginning; and such general Principles as had no Peculiarity at all to the *Jews* (tho' they were obliged by them) but such wherein all Mankind were equally concerned: Our Saviour opposed the *Pharisees*, and the Judaical Practise, and establishes the Law he introduces about it, by reducing the Matter of Marriage and Divorce to the primitive Rule of it, and to the natural and perpetual Reason of the Things in themselves considered, and therein spake not only to them, but to all Mankind, and to the whole World: He directs them
to

to look to the first Rise, and Original of Marriage : God made, at first, but one Man, and one Woman, a Male, and a Female, and appointed them Two, in those two Kinds, to be, in the Relation of Marriage, one Flesh ; so that Nature and Institution, the very Laws of Man's first Creation, make the Marriage-Union very sacred, and from thence our Saviour derives his Direction about it ; and for Divorce, whereas the *Jews*, upon every trivial Occasion, allowed it, our Saviour denies it to be lawful upon any Occasion but one, and that grounded upon the natural and general Reason of the Thing in itself considered : The very Essence of the Marriage-Union, both by Nature and primitive Institution, lies in this, *That two are one Flesh* ; where Fornication is committed, the Union is dissolved ; for, as St. *Paul* tells us, *Whoever joins himself to a Harlot, is one Flesh with her*, and so in Cases of such Turpitude, two are no longer one, but three or four, or more, in that Marriage-Sense of Oneness, and so the Oneness of two in Marriage, which is the Essence of it being dissolved, the Marriage itself must needs be so likewise ; nor can it, in Reason, be supposed to continue, where the Ends of God and Nature, in that Relation, are frustrated, and made void :

And this could not be limited to the *Jews*, nor have a peculiar and single Respect to them, being founded upon Principles which are common and universal, moral and perpetual, and wherein the Interests of all Men concenter ; so that if it were lawful then for a *Jew*, or any Man, to put away his Wife for Fornication, upon those Grounds upon which our Saviour declares it to be lawful, it seems reasonable to think, it must continue to be so for every Man to the World's End, because those Grounds are, in their own Nature, general and perpetual, and will justify the doing of the Thing for ever.

Fourthly, There seems to be no Ground of Belief, that our Saviour should indulge the *Jews* in this Point, and frame this Exception only for them, and not intend it for others, but rather the contrary : That he should have, particularly, restrained them, in this Matter, more than others, because of their enormous Practices this Way, above any other Nation in the World : Besides that, the general Rule, without the Exception, has a fairer Interpretation towards them, than any ; and our Saviour might well say, pointing only to them, *Whoever puts away his Wife*, (that is, as your Manner of putting them away
now

now is) *and marries another, commits Adultery*: There seems no Reason at all to appropriate that Exception to them, especially when it is made upon Grounds common to all.

Fifthly, To confine that Rule our Saviour then gave, about Marriage and Divorce, as he conjoined them, to the *Jews* only at that Time, and to extend it, in that Conjunction, no farther, is to confine it to that Interpretation, wherein it is most hard and difficult to be understood, and deny the Effects of it, where the Interpretation lies most plain and easy. To ourselves, under the Gospel, the Direction of our Saviour's Law is plain and evident, and, without any Difficulty, may be put in Execution; but, in its Relation to the *Jews*, and the State of Things then, it seems somewhat obscure, and without an Admittance of a Non-Execution in some Cases of the Law of God, then in Force for punishing Fornication and Adultery with Death, very hard to be understood, and, therefore, it is no way reasonable to relate the Law solely to them, and deny the Benefit of it to ourselves.

The Practice in the *Christian Church*, seems to have been regulated by our Saviour's

our's Direction, and Divorces admitted in case of Fornication. The Emperor *Theodosius*, who, as one says of him, was *Christianus & pius, & Episcoporum quotidiano usus concilio*, made Laws for a Man to put away his Wife, in case of Fornication and Adultery, and extended it to the very Suspicion of it. *Sufficere judicavit, si mulier viro ignorante, vel nolente extranorum virorum convivia appeteret, si ipso invito sine justa & probabili causa foris pernoctaret, nisi apud suos parentes, vel si Circensibus theatralibus, vel Ludis & Arenarum spectaculis ipso prohibente gauderet.* The Emperor *Justinian* made many Additions to these Laws, which, altho', for the Manner of them, we must suppose, accommodated much to the Customs of those Times, yet were all builded upon our Saviour's Direction in that Case. *St. Jerome* is positive, That, *Ubique est Fornicatio, & Fornicationis suspicio liberè uxor dimittitur*; which yet we must not extend to every jealous Suspicion, but suppose spoken, *Ne ad legum subtilitatem res semper exigatur*, and must be understood with Restriction: It is no way fit a Man's own jealous Apprehension should be always the Rule in the Case; and yet, in Matters of that Nature, it may so fall out, that a Man may be certain of that of which he can make no evident Proof. *St.*

Austin

Austin plainly takes our Saviour's Direction, then, to be the Rule, now, in this Matter, in his 89th *Epistle*, says he, *Dominus præcepit, ne quisquam uxorem dimittat, excepta causâ Fornicationis.*

Divorce *à mensâ & toro* seems to be a Fiction in the Canon-Law, and to have no Ground, neither in any Law of God, nor in Reason. Not in any Law of God, for wheresoever Divorce was allowed by any Divine Law, it was a total Divorce, and the Persons were allowed to marry again; it was so among the *Jews*, whoever was then divorced, might go to a Second Marriage: It is so in what our Saviour says; he evidently implies it (putting away and re-marrying are conjoined) *Whoever, says he, puts away his Wife, and marries another, except for the Cause of Fornication, &c.* where the Implication is evident, that, in that Case of Fornication, he may both put away his Wife, and also lawfully marry another; the First Marriage being dissolved: The Word *ἀπολύται*, constantly used by our Saviour, in the *New Testament*, for Divorce, and Putting away, implies, a Nulling of the Marriage, and Discharge of the Obligation, and signifies to absolve, loose, release, discharge; so that if what our Saviour hath said about this Divorce, in Case of Fornication, be a Rule to the Church now,

now, it is plain, the Divorce allowed by him, in that Case, admits of a Second Marriage : If it be not a Rule to the Church, then there is not the least positive Allowance under the Gospel for any Divorce at all, and if so, all Divorces *à Mensâ & Toro*, are without any Divine Warrant.

Not in Reason, for whatsoever can be sufficient to justify a Divorce from all the Ends of Marriage ; must needs be sufficient to justify a Divorce from the Obligation of Marriage ; the one being but in order to the other : It seems no way reasonable to bring any Man into that Condition, that the Obligation of Marriage should remain, and the Helps and Advantages of it be taken away ; it is to divide what God hath joined, for he never appointed the one to go without the other : It seems very indecent to say, *Two shall continue one Flesh*, and yet be excluded from all Converse each with the other. If the essential Bond of Marriage be broken (as in Fornication) that gives a rational Ground for a total Divorce ; if it be not, while the Bond continues unbroken, the Duty ought to be performed, there appears no Ground to suspend the one, and continue the other.

The Practice of Marrying again after Divorce, hath been frequent ; the *Greek Church*

Church practise it generally. *Grotius* says, some *Christians* have thought better to forbear it, *Quam sententiam*, says he, *ex bonitate peculiari magis ortam, quam ex commune receptaque lese, tum ex aliis, tum ex Tertulliano apparet, qui non uno loco ostendit, solitos suo tempore ad Matrimonium alterum admitti, qui ob Adulterium uxorem dimississent.* *Origen* tells us, That, in his Time, many Bishops allowed it. It is not without the Authority of some Councils, who have determined it lawful; *Conciliis, Eliberino, & Aurelianensi, & Arlatensi primo decretum est id licere.*



ANIMADVERSIONS

On the foregoing

DISCOURSE.

1. **U**nchastity before Marriage, in a Virgin, not in a Widow.
2. Unchastity to be punished with Death, if proved by two Witnesses ; if but one Witness, Divorce ; if only strong Suspicion, the Water of Jealousy.
3. Found some Uncleanneſs ; ſome is a Word ſuperfluous, ἀνεμυσὺν, the 72. Interpret. which is ſumnam foeditatem carnis.
4. The learned Men, Selden and Grotius, have their Opinion, yet the Rabbies ſay ; Albeit the Liberty of the Law, few or none did uſe it : No Inſtance of taking that License in Scripture ; Joſeph finding the Bleſſed Virgin's Womb ſwelled, preſumed he had juſt Cauſe to diſmiſs her ; for, he knew ſhe could not contend with him in Point of Law.

5. It

5. *It is a strong Argument to me, that, whereas GOD says, The Nations round about the Jews would admire their wise Laws ; yet none of the Heathen had such a loose Law, as to divorce at every Exception the Husband took : It is Tertullian, in his Apology, who says, That from Romulus to Sp. Camilius, for 500 Years, Divorces were never heard of in Rome, and he began it, upon the Barrenness of his Wife. Tully broke good Order, above all Men ; for he married a young Gentlewoman, his Pupilla, his Ward, as we call it, that he might pay his Debts with her Portion ; he never prospered after it.*

6. *The Jews, to this Day, confess in their Writings, that the Penalty for Adultery was not inflicted, as it ought to have been, chiefly, because it was so hard to prove it by two Witnesses, and the Confession of the nocent Party would not serve ; because no such Trial appears in their Law.*

7. *In Matthew there is Mention of putting away, not a Word to allow the innocent Person to marry again : But here is a strong Argument, indeed, that the Law of Moses never allowed their petulant putting away for every Cause ; for Christ, as you well observe, rendered the right Sense of the Old Law, gave no New.*

8. *When*

8. *When the Marriage-Bond is dissolved ; that is presumed, not proved.*

9. Mat. xix. 9. *is not every Way the same Determination with his Doctrine, Mat. v. For Chap. xix. he speaks in his Case who marries another ; but Mat. v. in his Case who marries her who is put away. The Woman was not legally dead, if not convinced by two Witnesses.*

10. *The first Case of Lenes Mariti, and the third of a Prosecutor who could not prove, in the Event, come all to one, That with a good Conscience he might put the Adulteress away. I concur for putting away, but no farther ; but for the second Member, when he prosecuted openly against her, and could not prove, surely she ought to have the common Benefit of all Law, to be recta in curiis, and the utmost must be, to take the Water of Jealousy.*

11. *If you speak of the vth of Matthew (not of the xixth) it is true, that it is a compleat Exposition of the right Understanding of some Points in Moses's Law, in the Morality, so as to be in Force for ever.*

12. *Punishment by Death for Adultery, not a general Law : But far more Nations have it, than others with whom it prevails not.*

13. *That Christ intended the Obligation of the Marriage should cease ; Presumitur, non probatur.*

14. Mark

14. Mark sets down the same Story, recorded by Matthew, that not to be denied. Yes, it is evidently to be denied, Mat. xxi. 3. The Pharisees asked him about Divorce; so Mark x. 2. the Pharisees asked him about that Matter; but, read further, Verse the 10th; And in the House, the Disciples asked again of the same Matter, and he saith unto them, Whosoever puts away his Wife, and doth marry another, commits Adultery. Luke xvi. 1. The Chapter begins, He saith to his Disciples, not to the Pharisees: Then, at the 19th Verse, Whosoever puts away his Wife, and marries another, commits Adultery, &c. To his Disciples our Saviour spake in Gospel Rules, repealing the License given to the Jews, in their Law Judicial, to marry again, if divorced for Adultery: I dissent from Calvin, who will have the same Carriage of the Story in all the three Evangelists.

15. Very right, his Disciples were present at the Sermon, Mat. v. but there is no Mention of a giving Allowance to marry after Divorce: If you argue from Christ's Silence, that he forbids it not, it is your own Assumption, but no Argument.

16. Second Reason.] What need you more Ground than the express Words of Christ? You say, Why should the Rule be general to one Sort of Men, with Exception to another? Nay, the general Doctrine is not

to one Sort of Men, but to all the Children of GOD, and Disciples of Christ; the Exception is to the Jews, for the Hardness of their Hearts. More strict Duty is required of Christians, for the Exuberance of Grace given us; Abundantia spiritus sancti est elogium regni Christi: They are Calvin's own Words. A Command not to Swear at all, is never in any Place limited by Exceptions (except to Swear by the Name of the LORD) but hath a hundred Texts to allow it justly done, so hath not this Case which you put.

17. The Third Reason makes against you. Christ cites Original Scriptures, Light of Nature, Grounds not to be shaken but by the GOD of Scripture and Nature, who indulged to the Jews, that, albeit those great Obligations, they might marry after Divorce for Adultery; those Times of Infirmary GOD winked at, as he did at many Superstitions of the Gentiles; but these are the Times of Reformation under the Gospel

18. If either commit Fornication, the Union is dissolved. Gratis dicitur; For may not the Innocent Person remit the Fault of foul Lust to the other? Deductosque jugo cogat alieno; May they not live together as Man and Wife? which could not be, if the Union were intrinsically dissolved: As the Prophets do often challenge the Jews for Spiritual Fornication

cation of Idolatry, yet the Lord took them again to him for his People ; and it hath a great Evangelical Consideration in it, that for any Trespafs, while the Offended and the Offender live together in this World, there may be a Way left for Reconciliation, and to take that Admonition, Sin no more, lest a worse Thing come unto thee : But marrying another, while the Offender lives, excludes all Possibility of charitable Pardon.

19. Fourth Reason.] Our Saviour did not restrain the Jews more than Moses had restrained, but expounds Scripture, that they had taken License above what GOD had indulged to them for the Hardness of their Hearts : It was the Hardness of their Hearts, which caused the Wisdom of GOD to give them a Latitude, the LORD being gracious to their Infirmities ; but you would have GOD lay more Burden upon them, because of their perverse Hearts, which is not GOD's Method : But to whom much is given, of him much will be required.

20. Fifth Reason.] Soon satisfied : Whosoever said, that Christ's Precept, about Divorce, was enjoined then to the Jews, and only at that Time ? It was in Force from the Beginning without Indulgence, but in Force with that Indulgence, from Deut. xxiv. and no Time so opportune, as when Christ was
on

on the Earth, and spake with his own Mouth to his Disciples, to let them know, they were not privileged, like the Jews, if their Wives were Adulteresses, but to take up their Cross and bear it.

21. *Divorce, admitted in the Christian Church, for Fornication : But Superinduction of another Wife, is another Thing. There were great Mistakes in the Imperial Laws. Did not Valentinian make a Law for marrying within Degrees prohibited ? Others for Bigamy ? I have not Leisure to search the Books. I say, St. Austin against St. Jerome, who did not write transcurorily, but studied Books upon the Argument.*

22. *Why should not the Orders of the Canon Law be as rational as the Laws of Theodosius and Justinian ? Separatio à toro & mensa, is for Peace Sake, till Opportunity of atoning. Must all Directions to keep them aloof, who are embittered one against the other, and to prove them, for a Time, how they will piece again, be grounded upon Scripture ? Shall human Prudence have no Hand in such Things ? These are no Fictions of the Canon Law, for they falsify no Text, but make Trial of such Ways as may conduce to the Good of both Parties. What if à toro & mensa have no Divine Warrant, is there any Divine Warrant against it ? They who
look*

look for Divine Warrant express in all Frames of Government, in all Circumstances of GOD's Worship, have been told sufficiently how much they mistake the Purpose and Use of Holy Scriptures.

23. You say, It is not reasonable, that the Obligation of the Marriage should remain, and the Helps and Advantages of it be taken away. Why, what if a Woman be taken Captive, incur an irremediable Disease? Or, the Wife, tho' chaste, will not render due Benevolence? Or, her Jointure she brought be consumed by Fire? Here are Helps and Advantages substracted, yet no Wedlock broken.

24. By Divorce à toro & mensa they are not shut from all Converse with one another, they may return to mutual Embraces again; tho' the Bond of Marriage be not broken, the Use and Comfort may be suspended.

25. Far more Bishops by Thousands have disliked it, than who have allowed it. I reverence the Councils, yet they were but Provincial; had I Leisure to peruse them, I should know to interpret them.

26. Grotius lived in the Netherlands, and wrote after their Practice and Doctrine. It hath been the Practice of the Church of England but once in Parliament, Edw. VI. and once in this late Session of Parliament. I
take

take no Pique at any Man who is of a contrary Judgment to me. But the first Instance of Parr, Marquis of Northampton, who had two Children in Secret, before the Act of Parliament passed on his Side, makes his Case far worse than the Lord Roos's; but the Marquis and his Posterity sunk quite away, and let Survivors behold the End of this last Instance.

For an Appendix, I will ingeniously add the Unreasonableness of the Church of Rome, who, generally, deny him who puts away his Wife for Adultery, to marry again, yet they consent to the Sentence of Pope Gregory the First, who resolves this upon a Question moved; Questio est, quidam parentes, mulieres prefertim, proprios filios susceperunt in lavacro: An illi viri & mulieres ad suum proprium redire possint usum? Imo separant se mulieres; vero cum separatæ fuerint pro hac illicita re à propriis viris, totam precipimus recipere dotem, & post expletum annum recipiant alium virum, similiter & viri uxorem; which is easily thus refuted by their own Doctrine, Si proprios filios in casu necessitatis baptizare, non solvit Matrimonium, quanto minus eosdem è Baptismo suscipere?

27. To end, such as hold to my Opinion, lay it the more to Conscience, foreseeing that

that the contrary may stir up some wicked Husbands to suborn false Witnesses, upon Oath, to convince innocent Wives, that, they being divorced, it may admit them to marry where they like better. Moreover, it may fall out, not seldom, that a wicked Woman will confess herself an Adulteress, upon Assurance of some ample Compensation. More might be added.



THE
ANSWERS
TO THE
ANIMADVERSIONS.

ANIMADVERSION.

1. *U*nchastity, before Marriage, in a
Virgin, not in a Widow.

ANSWER.

The Direction in the *xxi*d of *Deutrino-*
my, for Conviction of Unchastity before
Marriage, relates peculiarly to a Virgin, and
cannot be applied to a Widow, yet should
a Widow, by other Proofs, be convicted
of Unchastity, after the Death of a First
Husband, before Marriage to a Second,
the Equity and Reason of the Law seems
to reach her. It is a firm Maxim in the
Civil

Civil Law, *ut ubi eadem est ratio, jus idem valet*, I find no Exception any where made in that Case, nor any particular Direction given about a Widow's previous Unchastity to a second Marriage, to punish it any other Way.

Animad. Unchastity to be punished with Death, if proved by two Witnesses ; if but one Witness, Divorce ; if only strong Suspicion, the Water of Jealousy.

Ans. The First is evident, That Unchastity, when punished with Death, was to be proved by two Witnesses, not by reason of any particular Direction about the Proof in that Case, but because God established that as a general Rule for all Judicial Proceedings, that by the Testimony of two or three Witnesses, every Sentence should be established, *Deut. xix. 15. One Witness shall not rise up against any Man for any Iniquity, at the Mouth of two Witnesses, or three, shall the Matter be established.*

The Second, That if Unchastity were proved but by one Witness, it was then Matter of Divorce, I crave Leave to dissent from ; Unchastity, if proved, could never be Ground for Divorce, for Death.

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was to ensue ; so that if one Witness, in Case of Unchastity, were sufficient Proof, it produced Death ; if it were not, it amounted to no more than Suspicion ; nor do I find any Direction for any Proof at all to be made, as necessary in Case of Divorce, nor in any Case, where Proof was judicially required, was one Witness sufficient, neither by the first Allowance of Divorce, *Deut. xxiv.* Nor in the subsequent Practice of it amongst the *Jews*, was there any Proof required in Case of Divorce, nor any Judgment to be passed by the Magistrate about it, farther than that there should be *libellum repudii* given to the Woman : It seems to me, that the Judgment in Case of Divorce rested in every Man's own Breast, tho' every Man was, in his own private Conscience, obliged by Rules in his Actings therein, and sinned if he transgressed them : For, as one saith, God would by that Expression in *Deut. Quæ probrum, aut ut 72 Interpr. verterunt, ἀναμνηστικὴ πρὸς τὴν γυναῖκα* significat, admonere Hebræos ne temerè uxores dimitterent ; and, says the same Author, *Notum est quosvis Judices quorum summæ & liberrimæ potestati res aliqua permittitur, insontes non esse, si ab æquibonique regula discedant ; jus ergo fuit, ut quavis de causa uxorem maritus possit expellere, sed ea notione qua Prætor jus reddere dicitur, etiam*

etiam cum injustè discernit, ut Paulus Jurisconsultus loquitur, qui & alibi dixit, non omne quod licet honestum esse, licere enim in Comuni usu aliquid dicitur, quod extra pœnam est, & quominus fiat à nemine impediri potest: The Words of the Text cast it that Way (And it come to pass, that she found no Favour in his Eyes) of which himself could only be the proper Judge: In the xixth of Matthew, where the Pharisees urged upon our Saviour, that Moses required no more in the Matter of Divorce, but to give a Writing of Divorcement, our Saviour does not deny it, but seems to admit it, only tells them, Moses did it for the Hardness of their Hearts, but from the Beginning it was not so; the ancient Form of their Divorces imports thus much. Mea sponte nullius coactu te uxorem hætenus meam dimittere, à me deferere ac repudiari decrevi: Jamque adeo te dimitto desero ac repudio atque à me ejicio, ut tuæ sis potestatis, tuoque arbitrato ac lubitu, quò licet discedas, neque id quisquam ullo tempore prohibessit, atque ita dimissa esto, ut cuivis viro nubere tibi liceat.

Grotius seems, upon good Grounds, to be positive in this Case, his Words are, *Errare autem eos, qui putant Judæis non licuisse uxorem dimittere, nisi causa apud Judicem probata, satis ex hoc loco apparet, Dic-*

tum enim esse, ait Christus, qui uxorem dimissam vult, libellum det repudiū; dubitationem omnem nobis Josephus eximit, qui de se agens ita ait, καθ' ὅν δὴ καὶ ἐν τῷ γυναικὶ μὴ ἀρεσκόντων αὐτῆς τοῖς ἡθεσιν ἀπεπεμψαμένον. Verum tamen est hunc actum, non minus quam hæreditatis Cessionem, atque alios solenniores, solitos coram iudicibus peragi, quod nos Digesta Talmudica docent, sed erat hoc jurisdictionis voluntariæ non contentiosæ, quomodo manumissio apud Prætorem iure Romano; cognitionem igitur suam iudex non interponebat, nisi de dote aut donatione propter nuptias controversia inciderat, planè ut & apud Romanos.

And he adds after, Cæterum ut graviora mala evitarentur, & veritatem & gravitatem causæ noluit ad alienum arbitrium referri, sed ipsius mariti animo id æstimandum permisit; quod mirum non est, cum veterum Gallorum, aliarumque Gentium leges jus vitæ & necis in uxores Maritis concesserint.

For the Third, If strong Suspicion, the Water of Jealousy, I assent to it, he that doubted his Wife's Chastity, and in Case he could be assured of her Chastity, resolved not to part with her, and if she were found Unchaste, desired the Execution of the Law upon her, obtained his End by the Water of Jealousy: But I much question whether that, being of an extraordinary Nature, were enjoyed by the Jews till our Saviour's

Saviour's Time. I rather suppose, they never had the Benefit of it after the Captivity, but that the Use of it ceased, as it did of *Urim* and *Thummin*, that Church being to determine, God removed the Pillars of it by Degrees : I believe in our Saviour's Time, in fact, Things stood thus : The Law against Adultery was not executed, nor, indeed, was it in their Power to have it executed ; for the *Romans* had reserved Matters of Life to their own Judicatories, (tho' sometimes the People would violently Stone some Persons as they did *Stephen*) and upon that Account, amongst others, they thought to ensnare our Saviour, in the viiith of *John*, when they brought to him the Woman taken in Adultery : The Water of Jealousy, they had not the Use of, and so nothing was done in these Cases, but only they made Use of the Liberty *Moses* allowed for Divorces.

Animad. Found some *Uncleanness* ; some is a Word superfluous, ἀχνημοσύνη, the 72. Interpret. which is summam foeditatem carnis.

Answ. There is a great Disagreement in understanding the *Hebrew* Words translated (some *Uncleanness in her*) ; I shall make evident, it cannot be restrained to Unchastity, for which the Law had otherwise provided,

provided, if either proved or suspected : The *Jews*, I confess, differed much about it. I find, in Mr. *Selden*, there were three Schools among them, that maintained three several Opinions about it ; the School of *Hillel*, the School of *Sammai*, and the School of *Aquiba* : That of *Hillel* maintained it lawful for a Man to put his Wife away for any Cause, but not singly, upon his own Pleasure ; that of *Sammai*, for somewhat of Turpitude only ; and that of *Aquiba*, that a Man might put away his Wife upon his own Pleasure without any Ground at all : That which was the most general received Opinion amongst the *Jews*, he says, was, that for light Causes, as dislike of Beauty, Age, and many other such Things, Wives might be put away, and adds, *Idque ex sacræ legis mente*, according to the Sense of the Law, and 'tis most certain, they did so interpret it for the most Part.

The School of *Sammai*, as *Grotius* observes, had the fewest Disciples, and yet, under the Notion of Turpitude, they extended Divorce so far, that they thought a Woman's going with open Breasts a sufficient Ground for it. *Philo* says, a Man may divorce his Wife for any Occasion ; *de spec. l. g. ad præc. 7.* *Josephus* says, for any Dislike of Manners, and he practised accordingly,

accordingly, for he saith of himself, that he put away his Wife after he had had three Children by her, only because he disliked her Manners. *Chrysostome*, in his Homilies upon *Matthew*, speaking of what the *Pharisees* said to our Saviour about Divorce, says he, *Erat hoc in veteri lege mandatum, ut qui propriam quacunque de causa odisset uxorem, non eam prohiberetur ejicere, inque illius locum alteram ducere.*

Erasmus hath, with very great Learning, in his Treatise about Divorce, proved, That by Uncleanness in the xxivth of *Deuteronomy* Unchastity cannot be meant, he is so confident and positive, that he stakes his Credit upon it. *Ainsworth*, and our best late Commentators render it exactly from the *Hebrew* (Matter of Nakedness) or by transposing the Words (any thing of Nakedness) which, saith *Ainsworth*, is not meant of Adultery, but of some evil Thing in her Conditions or Actions that displeased her Husband, and he adds, that the Phrase is so taken, in the same Sense, for any thing unseemly, in the xxiiid of *Deuteronomy*, verse 14. Nor did I ever yet meet with any that thought the *Hebrew* Word, used in the xxivth of *Deuteronomy*, as the Ground of *Moses's* Permission of Divorce, could be rendered by the Word *πορνεία*, which is that used by our Saviour. But to
put

put it out of all farther Question, that the Licence *Moses* gave to Divorce, cannot be restrained to Adultery and Fornication, there is this undeniable Evidence: If that were so, we must make our Saviour palpably to contradict himself, and, at the same Time, to establish what himself repeals, and to do the same Thing which he finds Fault with as done by *Moses*, being not that which was from the Beginning, but that which was done only temporarily and occasionally for the Hardness of that People's Hearts; - our Saviour's Speech would then run thus: *Moses, for the Hardness of your Hearts suffered you to put away your Wives for Fornication and Adultery, which was not so from the Beginning (and so ought not to continue): But I say unto you, That whosoever puts away his Wife, except for Fornication and Adultery, and marries another, commits Adultery in so doing: There needs no more than our Saviour's own Words to assure us that the Liberty Moses gave for Divorce, and that Christ gave were upon different Grounds: The plain Meaning of our Saviour seems to be this; Moses heretofore, upon a particular Reason, because of the Hardness of your Hearts, suffered you to put away your Wives upon Grounds that were not intended to be a lawful Cause of Divorce from the Beginning;*
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I'll have it to be so no more, but I'll have it to be as it was from the Beginning, and from the Beginning there was no good Cause of Divorce but Fornication; and this Cause was a good Cause from the Beginning, and the first Institution of Marriage, and appears by our Saviour's Interpretation of the first Institution of Marriage to be so, and to be implied in the general Institution at the First, and reserved as much as the Service of the Temple, and Liberty to Works of Mercy and Necessity, are declared by him to be reserved, and implied in the first positive Institution of the *Sabbath-day*, tho' not expressed; so that, if we look to the Liberty given by *Moses*, our Saviour's Law about Divorce is a New Law, for he repealed that: If we look to the Law of Creation and first Institution of Marriage, 'tis the same that was from the Beginning, only the *Mosaical* Indulgence had interposed, and our Saviour by repealing that, settles the Matter upon the old and lasting Foundation, wherein *Jews* and *Gentiles*, and all Men to the World's End are to acquiesce, and declares that Exception of Fornication, tho' not expressed to be virtually contained and implied in the Institution of Marriage from the Beginning.

Animad. It is a strong Argument to me, that, whereas God says, The Nations round about the Jews would admire their wise Laws; yet none of the Heathen had such a loose Law, as to divorce at every Exception the Husband took.

Ans. It is a Consideration of Moment, I grant, yet our Saviour giving the Reason of it, and thereby seeming to admit the Thing, determines us: It was rather a Toleration than a Law, a Permission of Impunity, rather than an Institution, and we have good Reason to think, as Things then stood, the best and most prudent Expedient that People were capable of. Calvin speaks wisely of it; says he, *We give general Liberty, without Restraint, for Men to go to Law, yet that justifies no Man's going to Law beyond the Bounds of Charity; St. Chrysostome, in his excellent Homily upon the vth of Matthew, speaks more fully to the Ground of it. Si enim retineri etiam exosam præcipisset uxorem, facile profectò illam qui oderat occidisset: Talis quippe erat natio Judæorum, qui enim ne filiis quidem propriis parcere, & Prophetas solebant frequenter occidere, ut aquam ita effundentes humanum cruorem, multò illi minus odiosis conjugibus perpercissent, Moses, inquit, propter duritiam vestram*

vestram hæc scripsit, ne clam mactaretis sed ejiceretis. The Christian Roman Emperors gave much the same Liberty to the Husband: Grotius says, *Christiani Imperatores extra Adulterium aliquot scelera enumerant, quibus probatis, maritus sine ullo damno uxorem repudiet, & quod est amplius, ea si probare nequeat, non simpliciter repudium vetant, sed in arbitrio mariti relinquunt, malitne uxorem retinere, an dotem reddere, & amittere quod propter nuptias donavit.*

Animad. Mat. xix. 9. is not every Way the same Determination with his Doctrine, Mat. v. For Chap. xix. he speaks in his Case who marries another; but Mat. v. in his Case who marries her who is put away.

Ans. I conceive, both Places are alike to this Purpose, to make Re-marriage upon Divorce lawful; for in the vth of Matthew, Re-marriage is plainly intended by our Saviour; for he saith, *Whosoever puts away his Wife, except for Fornication, which is to be understood, such Putting away as they then used, which was, to re-marry after it; for he says, expressly, Whoever puts away his Wife, and marries another: And, he says, If the Woman marry again, (except put away for the Cause of Fornication) she commits Adultery; the Exception plainly implies,*

implies, her Re-marriage is no Adultery, if put away for Fornication ; and if the Woman so put away, may lawfully marry again, much more the Man that did put her away : If it be lawful for either to marry, it must needs be for both, for, it must be, upon Supposition of the Marriage-Bond, dissolved.

Animad. In Matthew there is Mention of putting away, not a Word to allow the innocent Person to marry again : But here is a strong Argument, indeed, that the Law of Moses never allowed their petulant putting away for every Cause ; for Christ, as you well observe, rendered the right Sense of the Old Law, gave no New.

Ans. No New Law, if we respect what Law was from the Beginning, which the Jews were obliged by, but New in this Case, if we respect the Permission of Moses, for he positively repeals that : The Law the Jews were to submit to, was the Law of Creation, and first Institution which Moses revealed to them, to that our Saviour reduceth them : The Permission about Divorce, was accidental, and temporary, that our Saviour positively repeals, and it is very plain, that in both Cases, that of Moses for Divorce, and that of Christ for Divorce,

vorce, Re-marriage is admitted ; in *Moses*, in *terminis* exprested, and by our Saviour, plainly and undeniably implied.

Animad. That Christ intended the Obligation of the Marriage should cease ; Presumitur non probatur.

Ans. Christ must needs intend the Obligation of the Marriage should cease, where he gives Liberty to a second Marriage, as he plainly does in Case of Fornication, both in the vth and xixth of *Matthew*. Christ reasons about Marriage from the Law of Creation, and the first Institution of it in Paradise, and carries it up to the highest Grounds of the Obligation, and there gives Liberty to Divorce, and Re-marriage, in Case of Fornication, and, therefore, Fornication must needs be reckoned a Dissolution of the Marriage, and a Dissolution of it considered in its strictest Ties : Our Saviour would never have gone about to prove the Sacredness of the Marriage-Bond, by the highest Proofs, and then have given Liberty to divorce, where the Bond of Marriage was not directly broken ; for, in that Case, his Proofs would only have served against his own Indulgence, and, therefore, he proves the Sacredness of the Marriage-Bond, to overthrow

throw the *Jewish* Divorces, and establishes Divorce in that only Case, where the Bond itself was dissolved.

Animad. Mark sets down the same Story, recorded by Matthew, that not to be denied. Yes, it is evidently to be denied, Mat. xix. 3. The Pharisees asked him about Divorce; so Mark x. 2. the Pharisees asked him about that Matter; but, read further, Verse the 10th; And in the House, the Disciples asked again of the same Matter, and he saith unto them, Whosoever puts away his Wife, and doth marry another, commits Adultery. Luke xvi. 1. The Chapter begins, He saith to his Disciples, not to the Pharisees: Then, at the 19th Verse, Whosoever puts away his Wife, and marries another, commits Adultery, &c. To his Disciples our Saviour spake in Gospel Rules, repealing the License given to the Jews, in their Law Judicial, to marry again, if divorced for Adultery: I dissent from Calvin, who will have the same Carriage of the Story to be in all the three Evangelists.

Ans. I humbly conceive, that the two Evangelists relate the same Story, both from the Matter of it, and all the Circumstances that attend it: It is said, in the xixth of Matthew, in the Beginning of the Chapter, our Saviour came into Judæa, beyond

beyond *Jordan*, and in the Beginning of *Mark* x. it is said, he came into the same Place ; and in both the Evangelists it is said, the Multitude came unto him, and the Discourse related between him and the *Pharisees* appears evidently, in both Evangelists, to have been the same, at the same Time, in the same Place, and before the same Company, only somewhat varied in the Relation, which is usual : In the xth of *Mark* there is no Mention made, that our Saviour gave to the *Pharisees* any Allowance of Divorce in any Case, which is expressed in the xixth of *Matthew* ; and it is granted, our Saviour admitted it to the *Jews* ; what our Saviour saith about it in the xixth of *Matthew*, was as much spoken to the Disciples, as what he says in the xth of *Mark*, as appears from hence, That the Disciples themselves make, immediately, the Answer : In the xixth of *Matthew*, where our Saviour saith, *Whoever puts away his Wife, except for Fornication, &c. If the Case be so, say the Disciples, taking it to themselves, it is good not to marry*, looking upon it as a strict Doctrine, even with that Exception, and such a one as the World had not been acquainted with, and which they thought unsupportable. *Calvin* says, it is the same Passage that is reported in *Mark*, only *Mark* reporteth, it was spoken

ken in the House, to the Disciples, and *Matthew* omitting that Circumstance, sets down, barely, our Saviour's Speech : Dr. *Hammond* agrees with *Calvin* in this Matter, speaking of these Places, and about this very Occasion, says he, that these Places, that in *Matthew* on the one Side, and in the other two Evangelists, at least in *St. Mark*, on the other Side, are a Report of the same Passage of Story, and of the same Part of Christ's Speech, appealing from the *Mosaical* Permission, to the first Institution of Marriage, there is no Ground of making any Question, and, therefore, it follows, that one must be interpreted by the other, so thinks he. But, suppose it were otherwise, when several of the Evangelists relate Discourses of our Saviour, about the same Subject, by all Judgment of Reason, those Evangelists that are more explicite, and large, must interpret those that are more implicite, and brief, and there is no Fitness at all in it to interpret those that are most large, and say most upon a Subject, but those that are more brief, and say least of it.

But that which over-rules me in this Case, is, that I find our Saviour no where preaching one Doctrine to the *Jews*, and another to his Disciples, and that must be proved in this Case, or else the Point of
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Divorce, and Re-marriage, is visibly established in Case of Fornication ; if our Saviour gave that Liberty only to the *Jews*, and made the Exception singly for them, then, when he speaks generally to his Disciples, he must not only repeal the Liberty *Moses* gave to the *Jews*, but the Liberty which himself gave to the *Jews*, which is not fit to suppose ; nor, indeed, has our Saviour, throughout the whole Gospel, given any one new Law peculiar only to the *Jews*, which this about Divorce, in Case of Fornication only, must needs be, if it be restrained to them, for they had no such Law before : *Moses's* Permission of Divorce, and this of our Saviour, could not be the same ; for our Saviour would never have condemned what *Moses* did, and immediately have instituted the same Thing himself ; nay, it must not only, if restrained to them, be a new Law to them, but a new Judicial Law, which were strange to suppose our Saviour should then institute ; for, if we deny it to be Judicial, and acknowledge it to be (as, indeed, it is,) a Law moral, founded upon Man's first Creation, and the first Institution of Marriage, then it cannot be restrained to the *Jews*, but must needs, by the Nature of it, belong to all.

Animad.

Animad. The Third Reason makes against you. Christ cites Original Scriptures, Light of Nature, Grounds not to be shaken but by the GOD of Scripture and Nature, who indulged to the Jews, that, albeit those great Obligations, they might marry after Divorce for Adultery; those Times of Infirmary GOD winked at, as he did at many Things in the Superstitions of the Gentiles; but these are the Times of Reformation under the Gospel.

Ans. I conceive Christ would never have established Marriage upon those Grounds, and then have given a Dispensation for Divorce that those Grounds would not admit of: Our Saviour's Speech must then be thus understood, by the Law of Man's first Creation, and the first Institution of Marriage, this Divorce for Fornication and Re-marriage upon it, ought not to be, yet I will give you Liberty to do it. Without doubt, the Divorce our Saviour then allowed was very well, corresponding with those Principles upon which he established Marriage; and those Principles being general and perpetual, his Allowance of Divorce must needs be so too; Christ's Time was no indulging Time, not a Word in the Gospel of Christ's winking at any Thing, he settles every Thing upon

upon its true and lasting Foundation ; they are Times indeed of Reformation, and from whence can we more reasonably expect that Reformation than from *Christ's* own Mouth ; he allows not the *Jews* in any one Tittle of their corrupt Practice, but exactly reduceth them to the Rule, and, in this Case, he plainly tells them, the Dispensation they had from *Moses* was not the Rule, but the Law of Creation, and God's first Institution was the Rule, and that admits of no Exception but this of Fornication : It is not reasonable to think *Christ* should indulge them for the Hardness of their Hearts in any Thing, because he came to reform every Thing, but, especially, not in this Matter, because he plainly repeals what *Moses* had done in it before upon that Ground.

Animad. Where Fornication is committed, the Union is dissolved. *Gratis dicitur ; For may not the Innocent Person remit the Fault of foul Lust to the other ? Deductosque jugo cogat alieno ; May they not live together as Man and Wife ? which could not be, if the Union were intrinsically dissolved : As the Prophets do often challenge the Jews for Spiritual Fornication of Idolatry, yet the Lord took them again to him for his People ; and it hath a great Evangelical Consideration in it, that for any*
Trespass,

Trespass, while the Offended and the Offender live together in this World, there may be a Way left for Reconciliation, and to take that Admonition, Sin no more, lest a worse Thing come unto thee: But marrying another, while the Offender lives, excludes all Possibility of charitable Pardon.

Answe. When we say the *Vinculum Matrimonii* is dissolved, we speak not of actual Dissolution, but virtual Cause of Dissolution: In this, and in all other Obligations arising from Contract, when the Bond is broken, it is a Rule, *Potest innocens cedere Juri suo*, and if the Offended will not take the Forfeiture, the Bond continues. Adultery does not *ipso facto* dissolve the Marriage, but gives Right to the innocent Party to dissolve if he please, puts the Power into his Hand, which he may *ad libitum* make use of or not; for, as Divines say, *Divortium non est præceptum, sed tantum permissum & probatum*, it is a Liberty given in favour to him that is wronged in the Matrimonial Contract, which he is not bound to make Use of unless he will: God seems to intimate so much in the Prophet, *Where is the Bill of your Mother's Divorcement?* There was Cause enough, the Covenant was broken on their Part, yet God pleased to forgive it and not take the Forfeiture;

no Bill of Divorce was actually given, if it had, they could have returned no more, the Separation had been irremediable. Now that Fornication, in this Sense, is a Dissolution of the Marriage-Bond, that it is a sufficient Ground to dissolve it, if the innocent Party please, will appear, both from *Christ's* Permission about it, and from the Nature of the Thing itself.

First, From *Christ's* Permission about it, he plainly admitted Fornication to be a good Ground of Divorce, and permitted Re-marriage upon that Divorce: Let this Permission be to whom it will, our Saviour would never have given Liberty to any Man to re-marry upon Fornication, unless that had dissolved the first Marriage, for it had been to permit a positive Sin upon those very Grounds, upon which our Saviour himself, in that very Place, does establish the Bond of Marriage: If the Bond of Marriage can be broken in no Case, our Saviour would never have allowed putting away and re-marrying in any Case.

Secondly, From the Nature of the Thing itself, it cuts the very Knot of the Marriage-Contract, which is, *That two shall become one Flesh*, and, in that Case, two are not one Flesh, which they covenant to be,

be, and are to be, in a chaste and peculiar Enjoyment of each other in the Marriage-Bed; for St. Paul says, *He that joins himself to an Harlot is one Flesh with her*: By the Marriage-Contract they have resigned their Bodies over to each other, and have not Power, in that Respect, over their own Bodies: In case of Fornication, there is the highest Breach of that Obligation.

All other Things whatever relating to Marriage may be enjoyed upon other Accounts, and in other Relations, but only the Body and the Concerns of it; and, therefore, when the Faith about the Body is broken, Faith is not broken about that which is the peculiar Property of Marriage, and that which does formally distinguish it from all other Relations.

A charitable pardoning Spirit is very suitable to the Gospel, and becoming a *Christian*; but, I think, a Man ought not to be imposed upon in this Case, where a Man is wronged, and *Christ* hath provided a Way to right him, Justice, in that Case, must not be denied him, if he require it: A Man may, if he please, forgive an unclean Wife, and continue to live with her; but I incline to *Calvin's* Opinion, that he will do much better to put her away, and
cleanse

cleanse his House (nay, his Bed) from Defilement and Wickedness.

Animad. You say, It is not reasonable, that the Obligation of Marriage should remain, and the Helps and Advantages of it be taken away. *Why, what if the Man or Woman be taken Captive, incur an irremediable Disease? Or, the Wife, tho' chaste, will not render due Benevolence? Or, her Jointure she brought be consumed by Fire? Here are Helps and Advantages subtracted, yet no Wedlock broken.*

Ans. I conceive it not reasonable any Thing should be thought of Validity to take away the Ends of Marriage, that is sufficient to dissolve the Obligation; because they are Relatives intrinsically conjoined to each other, the Ends and Advantages of Marriage ought never to be suspended, where there is not sufficient Ground to dissolve the Bond of Marriage; because the Bond being entered into, for the Sake of those Advantages that belong to it, by the Law of God, and by the Law of Nature, those Advantages ought never to be denied, where the Bond is continued: Our Saviour saith, *Whom God hath joined, let no Man put asunder*; that is, not put asunder as God hath joined them, and he hath
joined

joined them so, that the Duties to be performed, and the Obligation should go together: Whoever divides in that Kind, I think falls under the Text, if we ground Divorce upon our Saviour's Exception, that is plainly for a total Divorce in that Case of Fornication and Re-marriage after, he divides as God has joined, from Duty and Obligation together. A Divorce, *à mansâ & toro*, seems unreasonable, because unequal, and it is unequal, because the innocent Party is as much a Sufferer by that as the nocent, and instead of being relieved, is farther punished, and all the Help a Man has by this partial Divorce, that is abused and betrayed by an unchast Wife, is to be put into a kind of Matrimonial Purgatory, and be rendered thereby incapable to enjoy, either the Advantages of a married Man, or the Freedom of a single Man.

When by providential Difabilities in either Party, the Duties of Marriage cannot be performed, yet the Marriage-Bond continues unbroken, tho' the Ends cannot be attained; this I assent to, but it will not reach this Case: Ability to perform is implied in all Contracts, providential Difability no way cancels the Matrimonial Obligation, because it is entered into with a Supposition of them: But altho' God in his just
Judg-

ment, and as a Punishment upon both, may bring married Persons into such a Condition, yet it is not a Ground for Men to make a Rule to go by, especially for the Offence of one; it is there Matter of Necessity and not of Choice; there the Ends of Marriage cannot be attained, here they may, only we obstruct them. God does that many Times providentially and judicially, which we can neither do reasonably nor regularly: It is Mens Duty to submit to God, when he takes away those Helps Marriage affords; but that is no Ground for us to take them away, while he continues them. A Man obliged by an Oath of Allegiance to his Prince, may providentially be brought into such a Condition he cannot perform it; but that will never warrant us to bring any Man into such a Condition, where the Obligation to a Duty is necessary, and the Suspension is voluntary: It may so fall out, a Prince cannot protect his Subjects, nor his Subjects obey him, yet the Obligations upon both remain: But this will never justify us, upon any Account, to bring Things into such a Posture. But suppose the Woman refuses due Benevolence, where there is no Disability. I say she lives, by so doing, in a notorious Sin, and it is not fit that what is a Sin in either Party voluntarily to do,

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both

both should be enjoined to do, which they are by Divorce *à mensa & toro* : The Woman, in that kind, is liable to Punishment for not performing matrimonial Duties ; and in case all Means used to reduce her to her Duty prove ineffectual, it is worthy Consideration, whether she may not at last come under the Equity of St. Paul's Direction about Desertion, which is nothing, as I take it, relating to Divorce or putting away, in that Sense our Saviour speaks of it, but a Help that the Law of Nature (which is ever implied in all Divine Institutions) affords to an innocent wronged Person unjustly forsaken, and actually, or, perhaps, virtually put away ; the Apostle says, *A Brother or Sister ἡ ἀδελφὴ* is not enslaved in such a Case.

The Truth of this whole Matter is, our Saviour has, in the Gospel, established a Law for Divorce and Re-marriage, in the single Case of Fornication, instead of that Liberty given by *Moses* under the Law ; it must be proved, that he intended that Part of the Gospel as a Rule to the *Jews* only, which he never intended any other Part of it to be, nor does he any where say he intended this to be, or else the Matter is determined. Amongst the *Jews* never any Divorce was heard of without Liberty to Re-marry, and it was only intended for

for that Purpose. Calvin, upon that Passage (*He who marries her who is put away, commits Adultery*) speaks fully; This Sentence, says he, hath been most corruptly expounded by many Interpreters, for they thought generally and confusedly, that it was commanded to live sole after Divorcement: So, if the Husband should put away the Adulterers, of Necessity they both should live unmarried, as if this were the Liberty of Divorcement, only to lye away from the Wife, as if also Christ did not evidently, in this Case, permit that to be done, which the Jews were wont generally to usurp unto themselves according to their own Pleasure; therefore their Error was too gross; for when Christ condemneth him for Adultery who marries her who is put away, it is certain that this is to be understood of unlawful and frivolous Divorcements.

By the Roman Laws all Divorces admitted of a Second Marriage: In the Christian Church, in the Beginning, it was so. Nor indeed was Divorce ever thought of any where but in order to a second Marriage, till this Contrivement of a Divorce *à mensa & toro* came in; the Effect of which, in the Roman Church, where it had been chiefly practised, has been such as does no way credit it. Cajetan, one of their own, is so ingenuous, that, upon the xixth of Matt. he

faith, *Intelligo igitur ex hac Domini Jesu Christi lege, licitum esse Christiano dimittere uxorem ob Fornicationem carnalem ipsius uxoris, & posse aliam ducere*: And a little after adds, *Non solum miror, sed stupeo, quod Christo clarè excipiente causam Fornicationis, torrens Doëtorum non admittat illam mariti libertatem*. Wherever that kind of Divorce has been practised, the Consequence hath most commonly been, that the innocent Party hath by Temptation fallen into Sin, the offending Party into farther Transgression; for it is not a Thing probable or likely, that such who would not live chastly in a married Condition, should do so in a single Condition; and at last greater Inconveniencies and Animosities have arisen from such a Separation, and the Parties very rarely, if ever, again united. It inflaves Mankind into a very sad *Dilemma*, either to lie in a polluted Bed, and yield to every impudent Adulterers (for so they usually grow at last) or else to undergo all those Temptations Men are subject to, without a Wife, in a single and unmarried Condition: God no where seems to have given the *Woman* such an Advantage over the masculine Sex, as to be able to intrap the Man in such a Snare.

Animad. To end, such as hold to my Opinion, lay it the more to Conscience, foreseeing
that

that the contrary may stir up some wicked Husbands to suborn false Witnesses, upon Oath, to convince innocent Wives, that, they being divorced, it may admit them to marry where they like better. Moreover, it may fall out, not seldom, that a wicked Woman will confess herself an Adulteress, upon Assurance of some ample Compensation. More might be added.

Ans. It is a Thing likewise to be feared, that if no better Remedy be provided for innocent Husbands than a Divorce *à mensa & toro*, it may provoke them to rid themselves of their adulterous Wives by some undue Means ; the Rage of a Man is great in those Cases, and truly sometimes unconquerable even in good Men ; sad Events have ensued, and may ensue in those Cases. For suborning Proof in this Case, there is no more Danger than in all other Mens Estates and Lives, and their highest Concerns, depend upon Proof by Witnesses ; there is no surer or better Ground to proceed upon in all human Determinations ; this Matter has the greatest Advantage against Proof of any, being rarely within the Reach of it ; and for one Fact of that Nature that can be brought to Light by due Proof, many will pass in the Dark without Proof, and so without Punishment. A Woman's own Confession, in this Case,

will not prevail, the Rule in the Civil Law takes Place. *Revelanti turpitudinem suam fides non datur.*

In the Reign of *Henry VIII.* when the Pope's Power was excluded, an Act passed to enable the King to elect thirty two able Persons to reform Ecclesiastical Laws; this, in the 6th Year of *Edward VIth's* Reign, was put in Execution, and the *Quorum* of them, by Letters Patents, reduced to Eight, they met and took great Pains; there were present, *Cranmer* Archbishop of *Canterbury*, *Goodrich* Bishop of *Ely*, and others the chief of the Bishops, *Peter Martyr*, and other eminent Divines, and the most eminent Canonists, Civilians, and Common Lawyers then in the Kingdom: They set forth a Book called, *Reformatio legum Ecclesiasticarum*, which we may well reckon the Judgment of the Church of *England*, at that Time, about those Things, being composed by such Men empowered by the supream Authority; and in that Book the Lawfulness of Divorce, in case of Fornication and Re-Marriage upon it, is fully asserted and justified.

I shall only add, that among Learned Men I find great Disagreement in resolving this Question; Whether the same Right of Divorce belongs to the Woman that does to the Man? Some say, the Superiority of Sex makes this a peculiar Prerogative to the
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the Man, who is the Head of the Woman. It is certain, in the *Mosaical* Law no such Thing as a Woman's putting away her Husband was ever allowed; sometimes, in Fact, it was illegally and irregularly practised, yet very rarely; we find in all the *Jewish* Writers but one Instance, and that is in *Josephus*: The *Roman* Laws allowed it. Those who espouse the Woman's Cause, in this Point, urge that Passage of our Saviour, in the xth of *Mark*, where he saith, *And if a Woman put away her Husband, and marry another, she commits Adultery,* and so seems to make the putting away equal. *Calvin*, upon this Place, saith, *That although the Husband be Superior in other Respects, yet in the Marriage-Bed the Man and the Woman are equal; therefore,* saith he, *when as the Adulterer shall fall away from the Knot of Matrimony, the Wife is set at Liberty.* They also urge that of *St. Paul*, who saith, *In case of Desertion, a Brother or Sister is not bound;* and so seems to put the Matter between Man and Wife upon even Terms in all conjugal Respects. The *Christian* Church affords us but two Instances that look this Way: The First of one *Thecla*, who refused to marry one *Thamyris*, in *Iconium*, after she was contracted to him: This Story *Mr. Selden* relates at large, from the Report of *Basil* of *Seleucia*,

Seleucia, but seems not much to credit it himself; however, it was but a refusing Marriage after Contraction: Mr. *Selden* calls her only *Sponsa*, and saith, *Nuptias noluit, & Sponsalibus renunciavit*, and it was to one who most bitterly detested *Christianity*. The other Instance is that, in the Beginning of *Justin Martyr's* First *Apology*, where a *Christian* Woman made Use of the *Roman* Laws to put away her Husband, and he commends her for it; but that was evidently upon *St. Paul's* Permission in case of Desertion, for her Husband was a notoriously wicked Person, and departed from her.

In this Matter I shall make a much better Choice, to submit to your Lordship's learned Judgment, than to declare my own.

F I N I S.



A
TREATISE
CONCERNING
ADULTERY
AND
DIVORCE.

Νόμοι
Ὁ εἰδὼς πορνέυεσθαι ἢ ἑαυτῷ γυναῖκα καὶ σιωπῶν πορ-
νοβροσκός ἐστιν.

Πάντας ὅσοι τὰς γυναῖκας αὐτῶν μοιχεύουσιν εὐ-
είσκοις μὴ ἀπολύσαι, τιμωρεῖσθαι κελεύομεν. Πορνο-
βροσκός δεῖν, ὃ τὴν ἑαυτοῦ γυναῖκα μοιχεύειν
μὴ ἀπολύσαι.

Blaitari. Syntagma Alp. Let. M.

L O N D O N :

Printed in the Y E A R M, DCC.

A
TREATISE
CONCERNING
Adultery and Divorce.

ADULTERY is, say the Etymologists, * the going to another's Bed : And St. *Augustine* defines it to be a † *Breach of the Marriage-Vow* ; A Crime so black, that our CONSTITUTIONS call it || *Refor. Leg. Horrible Baseness* ; ‡ and a *Eccl. Tit. Sin so Abominable in God's Adulter. c. 1. Sight*, that he could not find a fitter Word than this to express Idolatry by in the Holy Scripture : And our Church is *Art. Visit. Lond. Tit. 4. n. 3.* so industrious and careful in the Discovery of it, that it

is

* Ad alterius torum accessio.

† Fidei conjugalis violatio.

|| Turpitude horribilis.

‡ Et res Deo tam odiosa;

is one Article in the Episcopal Visitations, *Whether any have committed Adultery, Fornication, &c. or are vehemently suspected of the Premises?*

The Punishments inflicted on it all over the World, partly shew how much it is detested. By the *Levitical* and *Civil* Law of *Moses* it was rewarded with Death. The *Hungarians* use that Punishment; the Father forcing his Daughter, the Husband his Wife, and the Brother his Sister to the Place of Execution. And among the *Turks*, the offending Woman is sentenced to be drowned, and the Man dismembered. The *Babylonians*, *Arabians*, *Tartars*, *Indians*, *Javans*, *Brazilians* and *Mexicans* also made it Capital; so did the ancient Imperial Laws: But latter Ages are contented with Confinement and Whipping; and the Ecclesiastical Canons prescribe Excommunication. By a Constitution of the Church, in the Time of the *Saxons*, such lewd Persons were compared to Murderers, and equally denied *Christian* Burial. And there was a Law about the Year 1032, whereby the Adulteress was to lose her Nose and Ears. *St. Paul* saith, *No such Person shall enter into the Kingdom of God*: And as to this World, the Gospel allows us to put her away, *Mat. v. 33. and c. xix. 9.*

If,

If, instead of Allowance, I had said Precept, I think I might do it with more Reason than St. *Mark* had to call the Bill of Divorcement τὴν ἐντολήν, when it was only an Indulgence wrested from *Moses*, because of the hard Hearts of the *Jews*, who, otherwise, might have murdered their Wives, if they had not Leave to part with them. They were a stiff-necked People, as God himself often called them, inclined to Slaughter, saith St. *Chrysostom*, filling their Houses with Relations Blood, and sparing neither their Neighbours Families, nor their own. On this Consideration it was, we find that Permission, *Deut. xxiv.*

1. *When a Man hath taken a Wife and married her, and it come to pass she find no Favour in his Eyes, because he hath discovered some Uncleannefs in her ; then let him write her a Bill of Divorcement, and give it into her Hand, and send her out of his House —*

If he did not like her, he might dismiss her. The Ground of this Dislike is said to be some Uncleannefs, or Matter of Nakedness ; which cannot mean *Adultery*, because *Adultery*, if proved, was punished with Death, as I said ; and if only suspected, the Guilt of it was determined by the *Water of Jealousy*, *Numb. v. 27.* The Word therefore must signify something disagreeable in her Person, Humour, or Actions,

tions, which the Husband could not digest, and thereupon desired to be rid of her, as Mr. *Ainsworth* and *A Lapide* conceive, who cite *Origen* and *Chrysostom* for this Interpretation; and the Assembly of Divines explain it of the *Leprosy*, or some other *bodily Disease* and *Blemish*; and in general, *any Thing* else to make the Husband loath her. This fully appears in the Practice of that People, who thought it a good Foundation to build a Divorce on, if the Wife were *Sterilis*, *Deformis*, *Rixosa*, *Morosa*, *Barren*, *Ugly*, *Peevish*, or *Disagreeable*: And in the Words of *Siracides*, Eccl. xxv. 29. *If she did not go as her Husband would have her, he cut her off from his Flesh, and gave her a Bill of Divorce, and let her go*: As it is said of *Josephus*, that he dismissed his Wife because he did not like her Manners.

This, doubtless, was straining the Point too far, to make the *Uncleanness* depend more on the Imagination or Prejudice of the Man, than on the Wife's *ill Conduct*, or whatever else of like Nature she was chargeable with. Yet we have not these Examples in *Judæa* alone, but in other Countries also, where Men pretended to more Civility and a better Temper. *Q. Antistius*, a noble Roman, divorced his Wife for talking familiarly *cum Libertina*. *C. Sulpitius* used his

his Wife in the same Manner, because she went Abroad without her *Veil*. Another did the same, *propter prætextum Sterilitatis*, on Pretence of Barrenness ; which was an Objection his Wife could not help, and not her Fault, but Misfortune. *P. Sempronius*, because his Wife went to a *Play* without his Knowledge, put her away. *Julius Cæsar* dealed so with *Pompeia*, *Quia mala laboraret fama*, being suspected to have to do with *Clodius*. But *M. Tullius* acted on much flightier Reasons ; and, *Levibus de causis Terentiam dimiserit*. And *Augustus* outdid them all in this Matter, for he could except nothing against *Scribonia*, but that *he was weary of her*. I omit *Montanus*, the *Cataphrygæ*, *Pepusiani*, *Ebionitæ*, *Massalini*, and others in Church History, who took the same Liberty. And we read of an Ecclesiastical Law in *Wales*, Circa 940, which made it a sufficient Cause of Divorce, if a Woman kissed *any Man besides her Husband*.

In all these Cases, I must confess, the *Conjugal-Knot* was not looked on so Sacred and Strong as it ought to have been : And therefore our *Christian* Law-giver corrects these Abuses, and puts every one in Mind of the Nature of Marriage, which out of *two* makes *one* ; and so strictly unites them together, that after this Union *they are not two,*

two, but one Flesh. This was it GOD intended in the first Institution, to which *Christ* called back the *Jews*; and then added, *What GOD hath joined together, let no Man put asunder.*

But tho' this Language shews what a close Conjunction Matrimony makes between a Man and his Wife, which is not rashly, or, *quâcunque de causâ* (as the *Jews* said and did) to be dissolved; yet plainly our LORD's Reproof of the *Pharisees* is not to be taken *absolutely*, as if nothing in the World could disjoin these two Persons; but *relatively*, and with respect to them he was disputing with, and in Opposition to those Reasons they went upon for their frequent Divorces. *I say unto you, Whoever shall put away his Wife, except it be for Fornication, and shall marry another, committeth Adultery, Mat. xix. 9.* — So that the *Instance excepted* is a sufficient Cause of putting away the Wife, tho' the Text will not admit of any other. For tho' a *Rule* or *Law* is universally binding, where no Clause is inserted to provide for particular Cases, yet whenever such Provision is made, the *Exception* is safe, and as strong in its *Sense* as the Law is in the other quite opposite to it; for so we usually speak, *Exceptio ponit contraria in casu exceptio.* And, therefore, tho' in the general it is
not

not lawful upon any Pretence to lay aside ones Wife, *saving for the Cause of Fornication*, Mat. v. 33 ; this *saving* infers, that tho' no Reason *besides* this, has Force enough to dissolve Marriage consummated, yet *this* must be allowed a sufficient Reason for it, or else the *Exception* was in vain.

They say St. *Mark* and St. *Luke* have omitted this Exception, and thereby signified the little Stress to be laid on it. But we answer, with St. *Augustine*, that the Four Evangelists do * supply one another ; and where one omits, the rest make it up to compleat the Gospel. St. *Matthew* is copious, and full in the Matters he treats of. St. *Mark* (as St. *Jerome* calls his Book *Epitomen Evangelii Mathæo scripti*) giving only an Abstract of St. *Matthew*, he industriously let go many Particulars, which, however, must not lose their Evidence, because he passed them. This is the usual Way of *Abbreviators*. But then it cannot be imagined that *Short Hand* is plainest, or best adapted to every Reader's Capacity : Or that St. *Mark* should speak more intelligibly without the Exception, than St. *Matthew* with it ; especially, considering he was one of the Disciples present at this Discourse with the *Pharisees*, and so had better

* Mutuas operas tradere, & quod unus brevius & obscurius posuit, illud alter suppleat & clarius explicet.

better Opportunity to know his Master's Meaning. The Rule is, *Pauciora exponi debent secundum plura, & regula generalis per exceptionem alibi traditum est limitanda.* And this shews how St. Mark and St. Luke are to be understood in this Affair.

But for farther Light, let us reflect on the Occasion of these Words, and debate the Question, in this short Dialogue between the *Pharisees* and *Christ*.

Pharisees. Is it lawful for a Man to put away his Wife for every Cause?

Christ. No ; for Marriage is *Copula indissolubilis*, an indissoluble Tie ; and by it two are made one *Flesh*.

Pharisees. Why did *Moses* then command to give a Writing of Divorcement, and to put her away ? This proves it lawful.

Christ. *Moses*, because of the Hardness of your Hearts, suffered you to put away your Wives ; but from the Beginning it was not so. You confound the Laws concerning Marriage, or rather propose a Toleration instead of a Law. The Question between us is not *de lege Forensi*, of a Municipal ; but *de lege Morali*, of a Moral Law ; and concerning the Sense of the Institution of Marriage immediately after the

the Creation. The Former, indeed, permitted Divorce, because of your Cruelty to your Wives; but still, with respect to Conscience, you cannot safely use that Liberty, for it is a Sin against the later Law; and be well assured, that tho' *Moses* doth not punish, yet God doth not approve it.

Pharisees. Do you deny then all Causes of Divorce?

Christ. No; I except what the Law punishes, and ought to punish, as a Thing in its own Nature not to be reconciled to the Notion of Marriage; I mean Fornication, which makes it impossible for the Man and the Woman to continue one Flesh any longer: And if at any Time the Penalty of the Law be not exacted in this Case, yet the Party guilty, by that Act of Uncleanneſs, voids the Obligation, forfeits the Interest ſhe had in her Husband, and by joining herſelf to another, becomes morally dead to him to whom ſhe was united before: So that, *I ſay unto you, Whoſoever ſhall put away his Wife, except it be for Fornication, and ſhall marry another, committeth Adultery; and whoſo marrieth her which is put away, doth commit Adultery.*

Can Words be plainer? Nothing but Fornication can untie the Marriage Knot,
and

and make Divorces innocent. Fornication therefore is a just Ground and sufficient Warrant for so doing ; or else what Sense is there in these Words ? And what End could *Christ* have in making the Exception ? So that, in this Case, and upon this Account, whenever there is a Divorce, it is not Man, but God parts them. No ; *Homo non separat, quos pœna condemnat, quos reatus accusat, quos maleficium coarctat.* The same Authority which made them one Flesh, dissolves the Union ; and, because of Fornication, makes them two again.

It is said, *Ex matrimonio duo sunt facti una caro* : And the Insinuation is, that nothing can divide them, but that which disjoins the Soul and Body, the Death of either Party : And this is true in the main. But the Case of Adultery shakes the Proposition ; and the Wife who goes astray by the *Carnalis copula*, becomes one Flesh with the Fornicator, as he who is joined to a Harlot is one Body with her, as St. *Paul* speaks, 1 Cor. vi. 16. So that the *Vinculum conjugale* is hereby dissolved, because it is not to be conceived how she can be one with her Husband, and with the Adulterer too, for the Apostle's Reason immediately following ; wherein he asserts, that only two can be one Flesh. I spake in the Actual Tense, and said, it is dissolved,

solved, tho' not literally done ; but there is the Cause of dissolving it ; and if a Man will not use his Right, and lay hold on the Forfeiture, it is his own Fault, and he will be much to blame. I call it his Fault, because he who, *celat crimen uxoris*, conceals his Wife's Fault, makes himself *turpitudinis patronum*, a Patron of her Lewdness : And herein I am of St. Chrysostom's Mind, or whoever else is the Author of this imperfect Work ; That, *as it is a cruel and wicked Thing to put away a chaste Wife, so he is a Fool who will keep a Whore.*

A Husband may, if he please, *cedere de jure suo*, and forgive an unclean Wife : But Calvin's Judgment I take to be safer ; To cleanse his House and Bed of so gross a Defilement, and be rid of her and her Sin together. And hence the Word *Repudium* has its Name, *Recusatio propter rem pudendam* ; and I think a Man ought to be very careful how he is accessory to any Thing that will bring him to Shame. This is one Reason they usually give for Divorce ; namely ; To secure our own Integrity and Honour, and keep off the Suspicion of being privy to the Sin. And I must not omit another of very great Consequence, and that is, *Prolis incertitudo*, Uncertainty of the Issue ; which, without a Contradiction, brings Bastardy into Wedlock ; because,

cause, tho' it be a Rule in Law, that, *Pater est quem nuptice demonstrant*, he is the Father who is Husband to the Wife; yet, in *Foro Conscientiæ*, the Court of Conscience, perhaps the Man, to be sure the Wife, is convinced to the contrary: And, for my Part, to speak in the Way of Morality and Religion, I find no Difference between these two Bastards, but that the one is really, and the other legally so.

And on this Account it is, that altho' the Sin of Adultery is very great, both in the Husband and the Wife;* yet, as to the Issue, the Wife is abundantly more blameable: And it must be considered, that the Wife's Incontinency ruins the Family of her Husband, who leaves in his spurious Issue nothing but the Name, and conveys to Posterity not one Drop of his Ancestors Blood to continue the Relation between them.

We may observe, at the Office of Matrimony, in the Exhortation to the young Couple, the Minister requires and charges them both, That if *either of them know any Impediment why they may not be lawfully joined together, that they confess it*: For, saith he, *be well assured, that so many as are coupled together otherwise than GOD's Word doth allow, are not joined together by GOD, nei-*
ther

* Quantum ad bonum prolis plus peccat adulterium uxoris.

ther is their Matrimony lawful. So that in Marriage there is a conditional Contract: Neither doth God so join the Man and the Woman together, but that they may be parted, if there be a just Reason for it; and in case of such Impediment, their Matrimony is not lawful. Fornication, I confess, is in this Question a subsequent Act, and is not called an Impediment; but they differ only in Point of Time; and if the Impediment keeps the Knot untied, notwithstanding the Ceremony is passed upon them; why, if once effectually tied, should not Adultery have the same Strength to undo it? The Tie consists in this, that they *two are made one Flesh*: But if the Adulteress alters the Property, and becomes the Flesh of another Man, in this Case she dissolves the Bond with respect to her Husband, and is no longer one Flesh with him. *Solvitur carnis unitas, nefarie rumpitur conjugalis fides & peccator contra ipsa matrimonii substantialia.* So that if the Gospel had been silent in this Cause of Divorce, yet not forbidding it, it must be understood from the very Nature of the Conjugal Union, which supposes neither Party alienated in Affection or Duty, as one of them must needs be in case of Fornication. This Union, I say, being the very Essence

sence of Matrimony, the Name is lost, when an Act is done which divides one Party from the other. However, the Gospel of *Christ* doth allow it, and lays as great a Stress on it, as the Church can on any other Impediment whatever; which being proved, makes the Matrimony unlawful.

If it be objected, that the *mutual Troth* given to each other, before the Minister, runs in this Form of Obligation, That the Husband takes the Wife, and the Wife the Husband, *for Better, for Worse, till Death parts them.*

We Answer: *First*, These Words *for Better, for Worse*, do not imply an irreligious or immoral Sense (for this amounts to such an Impediment as our Church proposes to make Marriage unlawful) but their Meaning is determined by the following Clauses, *For Richer, for Poorer, in Sicknes, and in Health.* * If she be a Scold, Peevish, Prodigal, Clownish, Drunken, Ugly, a Fool, troubled with a thousand such Defects; which are all very ill Qualities, and such as makes *Solomon* confess, That *it is better to dwell in the Wilderness, than with a contentious, angry Woman.* Prov. xxii.

* Si sit jurgiosa, petulans, prodiga, rustica, ebria, deformis, stulta, & aliis mille vitiis molesta.

xxii. 19. * If the Wife be barren, sickly, blind, lame or deaf ; or if you can think of any Thing else, saith St. *Augustine*, except Fornication. And accordingly the Rule of the Law is, † Adverse Fortune, if there be no Fault, is patiently to be borne in Matrimony. And so *Aristotle* concurs in his *Œconomics*, and saith ; *It becomes a Wife to acquit herself well towards her Husband, not only in a good, but a bad Fortune : And should his Estate suffer by ill Chance or Mismanagement, or his Body by Sickness, or his Mind by Frensy, she is to bear the Affliction cheerfully, and retain the same Respect and Affection she had for him before.* And the Rule in this Case is, *Quod semel placuit, displicere non potest ;* meaning, *non debet.*

Secondly, 'Till Death doth us part ; doth not conclude a simple Obligation, from which there is no Release, until Death makes it ; because the Lord *Christ* pronounces Fornication to be a sufficient Reason to break the Bond, and dismiss the Wife, if she be found guilty ; but refers to the Qualities or Circumstances of the Wife in the Words before ; which tho' bad enough, are no legal Incapacities for Co-habitation ;

* Si uxor sit sterilis, debilis, cæca vel clauda, vel surda, vel siquid aliud cogitari potest, exceptâ fornicatione.

† Fortuna afflicta, si absit culpa, patienter in conjugio ferenda est.

habitation ; neither is the Wife thereupon to be discharged from her Husband without her own Consent, who either must keep her at home, or otherwise provide for her. Besides, This Period of the Obligation is grounded on the antecedent Supposition ; That the Woman *forakes all other Men, and keeps only to her Husband, as long as they both shall live.* And this Promise being observed, the Bond is not cancelled until *Death* doth it. But if the Wife forsakes her Husband, and keeps Company with others, the Condition is broken, and the Motive ceases on which he married her. For the Condition of this solemn Engagement was, That *she forsake the rest of Men, and be from thence-forward intirely his own.*

Lastly, The Marriage-Vow, however worded, is to be taken *according to God's holy Ordinance* : But the Ordinance of God, with Respect to Marriage, is, to make *two of one Flesh* ; yet with this Caution and Provifo, that there be no *Fornication* ; for if so, the innocent Husband has a Power left him to put her away. So the same Ordinance which makes the Obligation, allowing this Liberty, tho' where Fornication interposes not, the Husband and Wife are to keep close to one another *as long as they live* ; yet where either transgress, there

there is a Remedy left ; and if the Woman will offend (and perhaps in a daring, bold Way, void of Shame, and in Defiance of her Husband) without Doubt the Husband, in this Case, may lay hold on the Forfeiture, and, as soon as he pleases, send her away.

And truly otherwise the Case of the Husband would be very hard, *Quod inducitur in favorem alicujus*, should, *facere ei prejudicium*, as they say : That a Thing intended to ease the Burden, should add more Weight to it. The Causes for which Matrimony was ordained, we have in the Exhortation to the Couple going to be married, which are designed for the Comforts of Life, and not to be Plagues to one another. We do not serve a hard Master. He considered our Condition, and of himself said ; *It is not good for a Man to be alone, I will make a Help-meet for him*, Gen. ii. 18. This was the Motive he had to produce Woman, and did it out of him who was to be her Husband, to let her see how near the Relation is between them, and how she ought to cleave to him. This he did, as *Creator* ; and then, as a *Law-giver*, he instituted Marriage to confirm their mutual Indearment ; that as in their Original they had one Beginning, *Ver. 3. Bone of my Bone, and Flesh of my Flesh*, saith Adam ; so the

Ordinance was contrived to unite them by Consent, and ingage them into a voluntary Promise to love each the other. And because he foresaw it would sometimes otherwise happen, and there be a Violation of Faith, tho' never so solemnly given, he appointed a Remedy, a severe, terrible one, no less than Death itself, to signify the Violence done to this Union of two Bodies, which he would have us look upon full as strict as between Body and Soul, not to be divided until Death parts them. It is true, the Clemency of the Gospel interprets the Punishment now into no more than *putting her away*: But then this is a *moral Death* to the guilty Party; and it lies in his Breast who is thereby injured to put it in Execution, as soon as he shall think fit to do it.

Objection. Ay, but this Rigor may be thought not to consist with the Patience and Sweetness of our Christian Profession.

Answer. I must acknowledge, that *Charity suffers long, and is kind*: But the same *Charity doth not behave itself unseemly. Non patrat quod pudendum est*, saith the Syriac, *ἐκ ἀγνότητος*, doth nothing *scdè* or *unkoncstè*, as certainly a Man must do who keeps an Adulteress in his Bosom, and by a wicked Indulgence contributes to her Sin.

The

The Instance of the Adulteress, whom *Christ* no otherwise punishes than by bidding her *Go, and sin no more*, John viii. is answered by that Rule of the Law, * *That an Act of Grace ought to be no Example to Criminals*: Besides, if this Passage be well considered, what *Christ* did was as much an Act of Justice as Mercy; and tho' he did not condemn, yet he did not expressly forgive her. *Neither do I condemn thee*: Nor indeed had he Reason to do it, for he acted judicially in this Case; and if the Evidence withdrew, and would have no Hand in the Stoning of her, what could he do otherwise than to discharge her? discharge at least the Punishment at this Time, tho' he did not fully and simply absolve her. At most, this treating her with so much Clemency, only *inclines* Husbands to be merciful and tender, but *obliges not*: And tho' Men may forgive this Offence in their Wives, if they see good; yet if, upon Reasons of Discretion and Safety, they do not, 'tis no Sin at all, no pinching upon the Conscience to use them as they deserve; and in that Manner the Gospel allows it.

That *David* took *Michol* again, tho' married to another Man, is nothing to the Purpose;

K 3

* Quod alicui gratiosè conceditur non debet ab aliis in exemplum trahi,

pose ; because this was no Adultery in *Michol*, who had no Design to leave *David* ; but, being young, she was forced to accept of *Phalti*, the Son of *Laiſh*, at the Command of *Saul*, her Father and King. And therefore *David* conſidered this Act in her (as indeed it was) a Matter of Constraint ; and ſo, without much Scruple, receives her again.

Theſe, and ſome other ſuch Reaſons, St. *Auguſtine* preſſes, and ſaith, *Adulteram nec poſſe nec debere repudiari, ſed partem innocentem de jure teneri ad reconciliationem*. The Truth is, St. *Auguſtine* was a very compaſſionate and tender-hearted Man, ſenſible of his own Faults, and ready to retract them ; ſo that he was naturally led to argue for Reconciliation on any Occaſion, and almoſt on any Terms ; neither could he tell how to put off a Penitent without forgiving him. And it is good Doctrine in the general : But his Maſter St. *Ambroſe* never taught him this Leſſon in particular. For as this Father aſſerts three Cauſes for a Man to part with his Wife, ſo he makes the Firſt and Principal of them to be Fornication. St. *Jerome*, who, as he could not agree with St. *Auguſtine* in other Points, ſo he is directly oppoſite to him in this ; and avouches, *Adulteram nec poſſe nec debere retineri*, That an Adultereſs neither can nor ought to

to be taken again. Nay, he goes farther, and saith, That not only *ubicunque est fornicatio*, where there is Fornication; but *fornicationis suspicio*, Suspicion of it, *Uxor dimittitur*, the Wife is to be dismissed.

And as for Reconciliation, I think *Bucer's* Conclusion unanswerable; who reflecting on that Law in *Deuteronomy* xxiv. 2, 3. concerning the Bill of Divorcement, whereby Leave is given to the Woman to marry another ——— If this Second Husband should either die, or hate her likewise, and so give her another Bill, the First Husband must never receive her again, for this Reason, *Because she is defiled—and that is an Abomination unto the Lord*, Verse 4. Now, as that Author argues, if she be *polluta*, who was not only married to this Second Man, but did it by her former Husband's Permission, and was justified in it by Law: If, I say, notwithstanding this Allowance, she was so polluted by this Second Marriage, as to be made ever incapable of being re-married to the First Husband; much more polluted must that Woman be, who has committed Adultery against both the Law and her Husband's Will; and unfit is she either to be retained, or, in Case of Departure, to be received again. No; *David's* Resolution is a good Precedent in this Case: *There shall no deceitful Person dwell*

in my House; the Party who telleth Lies shall not tarry in my Sight. I will not dwell with vain Persons, neither will I have Fellowship with the Deceitful. I hate the Congregation of the Wicked, and will not sit among the Ungodly. And all this not barely as a Duty, but in Point of Safety; because Evil Communications corrupt good Manners; and tho' with the Clean I may be Clean, yet with the Froward I may learn Frowardness. And therefore, to secure our own Innocence, we are bound to shun them who are Enemies to it.

Object. But what saith the Prophet? *Take heed to your Spirit, and let none deal treacherously against the Wife of his Youth; for the LORD GOD of Israel saith, That he hateth putting away, Mal. ii. 16, 17.*

Ans. No Doubt but God hates it, when a Man deals *perfidè* and *iniquè* with his Wife, and when he causelessly leaves her, and not she him. Here was no Crime of Adultery charged; no Fault, but that the Husband liked another better. As Matters thus stood, no Wonder is it that God hated such *putting away*: God, who was a Witness between him and his Wife, *Verse 14---* Yet he ventures to break the Matrimonial-Covenant, made in the Presence of God, who

who being a God of Judgment, he could not be thought to delight in such a Man.

Object. Well, the Apostle is express, 1 Cor. vii. 10, 11, *Unto the Married I command; yet not I, but the LORD; Let not the Wife depart from the Husband, and let not the Husband put away his Wife —*
And elsewhere he allows no Remedy, no Release but Death, Rom. vii. 2, 3.

Ans. But as to the Words of St. Paul in those two Epistles, Answer is made; That to speak of Matrimony in itself, or as it is in its first Institution; and as it is abused, or with respect to those Crimes directly against it, is very different. It is one Thing to propose what is regularly and ordinarily done, according to Law; and another, what happens in extraordinary Cases. What the Apostle saith in these Chapters, is to be taken *regulariter*, and not *in casu*. The ordinary Tie of Marriage lasts unto Death; and then, and not till then, it is dissolved. But Fornication or Adultery dissolves it sooner. So that the Holy Man, discoursing here of the Nature of Marriage, and not of the Nature or Causes of Divorce, is not engaged in this Dispute; and citing him on this Account,

K 5

makes

makes little to the Purpose. The Interpreters of these Passages deliver themselves warily: *Let not the Husband put away his Wife ———* What? Upon no Account? Yes; but let it not be done *exceptâ causâ fornicationis*, say *Primasius* and *St. Ambrose*. *Non sine justâ causâ*, saith *Chemnitius*, who supposes an Ellipsis in the Expression. *Nisi sit legitimâ causâ*; so *Marlorate*. But when there is *just Cause*, that is, in *Case of Fornication*: *Hammond*. It must not be *ultra suoque arbitrio*, and without *legitimâ præeunte cognitione*, &c. saith *Beza*; not arbitrarily, and without a lawful Provocation. And this Author calls them *ineptissimos*, who, from this Text, would infer, That there can be no Divorce, no, not in the Case of Fornication; *Contrâ manifestè expressam à Christo adulterii exceptionem*, are his Words. *Non sine gravi & justâ causâ*; A lapide. *Exceptionem quem Matthæo referente dominus expressit — hic subintelligas*; *Estius*. The Assembly of Divines name not the Exception, but they refer to *St. Matthew*, both as to the Chapters and Verses, where Notice is taken of it; and their Meaning is, That we are to supply from thence what is omitted by *St. Paul*. *Calvin* indeed wonders why he did not except *Adulterii causam*; but what Reason was there for him to mention

tion the Exception, when the Drift of his Discourse did not lead him to it?

Object. But Marriage is said to signify to us the mystical Union between Christ and his Church. Now, as there are many Offences done against him, which he forgives his Spouse; so ought we to be Followers of Christ and of God, as dear Children: Be merciful, as our Heavenly Father is merciful; and we ought to forgive, as we desire to be forgiven. *Christianus est Christi imitator.* Aug.

Answ. And questionless this Divine Example is good, and we ought to imitate it. *Ut sicut ille agit cum Ecclesiâ, sic nos agamos cum Coniuge;* tho' the Case be different, yet God forbid we should do otherwise. But be it remembered, That tho' God is patient, gracious and kind, yet he has been provoked to give a Bill of Divorcement to his best-beloved People. And of this the Jewish Nation is an undeniable Proof, with the Seven famous Churches of Asia, which have their Candlesticks removed, and are at this Day overwhelmed with Mahometan Darkness. God's Forbearance teaches us to do as he did, bear with many Faults; but thorough Apostacy is too black a Sin
to

to expect so much Tenderneſs; and Adultery too groſs to be pardoned at all, or eaſily done.

I am no more for this Kind of Separation, *quacunque de cauſâ*, after the Practiſe of the *Jews*, than I am for falling under the Cenſure of *Mecænas*, who was taxed of very great Inconſtancy and Lightneſs, becauſe he parted with his Wife more than once, and received her again. For if her Faults were ſmall, the Uſage was too ſevere to turn her out of Doors; but if ſo notorious as to oblige him to it, it was an unaccountable Fondneſs and Eaſineſs to re-admit her.

The Law takes Notice of many Cauſes of Divorce, beſides the groſs one of Adultery. Conſorting with, or entertaining wanton Company againſt the Advice and Will of the Huſband; practiſing, or conſenting to Practiſes againſt his Life or Health; lying Abroad without his Knowledge, and without any juſt Reaſon for it; going againſt his Will to Plays, or other ſuſpected Places; *Morbus contagioſus*; and ſome other like Cauſes, which muſt needs make a virtuous Man very uneaſy, his Life comfortleſs, and his Expences, perhaps, beyond his Ability. Any of theſe
are

are great Provocations. All of them together who can bear? Especially when Adultery consummates them; Adultery publicly known, talked of, and made the common Subject in every private House and Tavern; and, which is a very sad Aggravation, when the concerned Party glories in the Lewdness, and with the Harlot in Scripture, wipes her Mouth, and saith, *All is well.* The Sin in Secret is bad enough; and if a Man be so good a Christian, has so much Affection and Patience as to caution, intreat, admonish, earnestly seek and persuade Amendment, and all to no Effect, but the Wife will run on in her ill Way; and not only so, but laugh at, flout and threaten her Husband, and (whereby her Tongue is *indicium malæ mentis*) maintain Doctrines which necessarily call his Safety into question, in Case he uses his Authority and Power to reclaim her at home; and, in a Word, have so little Regard to herself, or him, as to make the Crime become a Scandal to all the World: What then remains in this Extremity, but to take the Example of God? Let her be gone; give her wholly up to her vile Affections, the Lusts of her Heart, and all manner of Uncleaness.

Yet

Yet I am not against Repentance. I remember what the Church saith, * *We earnestly wish that the Innocent Person would pardon the Guilty, and take her to him again :* But then it must be † when there are apparent Hopes of Amendment. But, alas ! how will this appear ? Can a few Words, extorted it may be from Necessity, or the Importunity of Friends, be called Indications or Expressions of a penitent Heart ? *Res magis intuenda quam verba ;* Repentance is Grief of Mind for Offences committed : It rigorously chastises what is done amiss : It always punishes the Crime ; and hence it derives its Name : *Pœnitentia à pœna, or qua punientia ;* and if it be † sincere, either equals or exceeds the Crime, saith St. Jerome. The Publican smote on his Breast, and said, *Lord, be merciful to me a Sinner.* And the true Sign of Repentance is a thorough Change, a real Reformation. I take all this to be a Work of Time. || The Council of *Ancyra* determined seven Years Repentance : The Thief indeed did it in a few Moments ; but his Life was short, and
on

* *Vehementèr optamus ut integra persona damnatae veniam indulgeat & illam ad se rursus assumat.*

† *Si credibilis melioris vitæ spes ostendatur.*

† *Aut æquat crimina, aut excedit.*

|| *Septem annis pœnitentiā agat. Concil. Ancyr. & Wormac.*

on that Account the Divine Grace was the stronger.

Besides, Restitution is one necessary Part of Repentance. But how? which Way shall this be expected? when, as St. *Jerom* speaks, it must puzzle Omnipotence to bring it about; and tho' God can do every Thing, I am bold to say it, *He cannot restore Chastity when a Woman has lost it*: And who will go about to propose an Equivalent for an inestimable Loss, never to be recovered?

You will say, We are to accept such Restitution as the Nature of the Thing will bear; that is, a hearty Sorrow for what is passed, and Amendment for the future. Neither do I deny, but these are good Fruits or Proofs of Repentance, and may be a Means to save the Sinner in the other World; yet are not a proper Restitution in this. The Murderer, the Traytor, the Felon, has the same Plea; yet they must bear the present Punishment of the Law, and suffer now, tho' saved hereafter.

But how shall a Husband be convinced of such a Repentance? * *Once bad, and ever so*, say the Lawyers upon very good Grounds. For tho' it be possible for a Man or a Woman, to become penitent, yet we ought

* *Semel malus semper presumitur esse malus.*

ought to have as good Proofs to demonstrate their Repentance, as we had Overt-Acts before of their being Criminals.

For my Part, therefore, I think † it is dangerous to attempt Reconciliation after Adultery : and one Reason is, because || the Wound is apt to bleed afresh ; and the Wound ought to be well and leisurely healed, before we hazard the rubbing it. The innocent Party may perhaps be thought hard of in this Case : But *P. Æmilius's* Answer ought to satisfy unbiaſſed People ; who being found Fault with for putting away a beautiful Wife, excuſed himſelf thus : † *No-body knows where the Shoe pinches but he who wears it.* It appears by this, that the Crime of his Wife was ſomewhat ſecret : And as ſuch, I believe it one Teſtimony of his Kindneſs to her, that he rather ſuffered the Peoples Censure, than, in his own Vindication, to expoſe her Nakedneſs. And in other Caſes, where the Publication is made already by her own Folly, I take it for a Piece of Affection in the Huſband not to divulge it farther, or load

† Periculofum poſt commiſſum adulterium inter conjuges tentare reconciliationem.

|| Vulnus ſubinde recrude cit.

† Neminem ſcire qua in parte calceus licet ſpecioſus foret, ſuos premeret digitos.

load the Vice by being particular in all the Aggravations of it.

And if at length the Husband will be melted, and is contented to pass by all Provocations, he may, and there is no Injury done him : *Scienti & consentienti non fit injuria*. But it behoves him to consider well what he is about ; he ought to inquire, Whether it will consist with his Happiness, his Reputation, and other Conveniencies of Life to do so : Whether it be agreeable to Conscience, and the Duty he owes God and Religion, to give this Countenance to a Crime of that Nature ; and whether he can find any great Difference between co-habiting with an Adulteress, or a Harlot who is vicious thro' Necessity, and has not Bread to eat without it.

I have avoided the Citation of Councils and Laws, to keep myself from being tedious. But, in short, some of them allow Second Marriage upon the Reasonableness of the Thing itself, which St. *Paul* favours, 1 *Cor.* vii. 9. Others reject it for its ill Consequence, as tempting People to be weary of the First : Which indeed is no Reason ; for a Distinction is to be made between a real and a feigned Cause ; and if, on this Indulgence, Men may

may be tempted to bribe Evidence against their Wives in order to be rid of them, so may such Evidence take away Lives and Estates ; and the Danger is full as great in one Case, as in the other. However, for *putting away*, they generally agree in that ; and where we read some Canons seemingly against it, they must be understood *absque causâ*, and in unlawful Cases : As Canon 48. *Apostolorum* ; which excommunicates him who puts away his Wife : This is meant, saith *Balsamon*, if it be done *παράλογως*, without Cause. And *Zonaras*, expounding the same Canon, has these Words, † *Let the Husband send her packing.*

And for Fathers, they consider Fornication a just Cause to dismiss ones Wife : And those who oppose Second Marriage, do it on a Principle of Tendernefs, and to leave Room for a Reconciliation after a serious and approved Repentance ; which if the Husband, for Reasons best known to himself (and of which he is the proper Judge) will not accept, || *Let him use his Right, for he doth no one Wrong in it* : And tho' thereby he may seem unkind to his polluted Wife, yet he can-

† Maritus pollutam ex sedibus suis excludet ;
 || Utitur suo jure, & nulli facit injuriam.

cannot be said to be unjust to her, but she has been so to herself and him.

And this Principle of Tendernefs I take to be the Motive for those Distinctions or Degrees of Divorce ; *à thoro*, *à mensa & thoro*, *à vinculo matrimonii* ; the two first being intended in a Way of Opportunity to make their Peace with one another ; whereas the last bars the Door, and parts them both for ever.

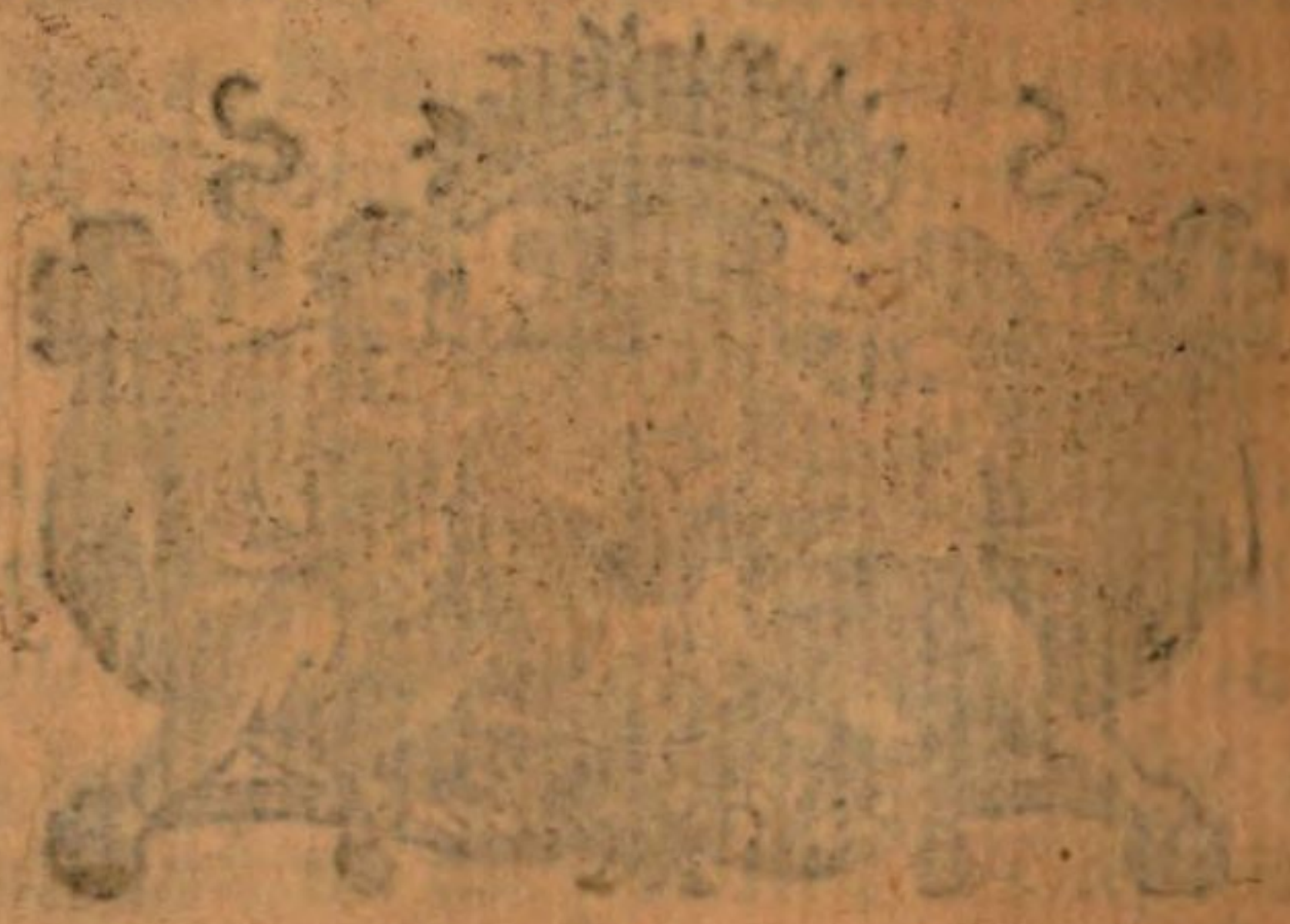
F I N I S.



and DIVORCE

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Conjugium Languens :

O R, T H E

NATURAL, CIVIL, and RELIGIOUS

M I S C H I E F S

Arising from

Conjugal Infidelity

A N D

I M P U N I T Y.

By CASTAMORE.

*Tu quoque suscepti curam dimittis amici ;
Officiique piam tam cito ponis onas ?*

Ov. Trist.

L O N D O N :

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Conjugium Languens :

OR, THE

NATURAL, CIVIL and RELIGIOUS

MISCHIEFS

Arising from

Conjugal Infidelity, &c.

IT was a false and groundless Character which was given by the great *Scaliger*, of the *English* Nation, That *they were a People Cruel and Inhospitable, perfect Self-Admirers, and Contemners of all the World besides.* For if we consider either the Nature of our Laws, or the Genius of our Religion, which are founded both of them upon the Rules of Equity and Indulgence, we must needs conclude the Temper of the *English* to be a perfect Contradiction to both these, if it is not treatable and humane.

They

They may indeed sometimes be fierce, but then it is in their own Defense: And if they are inhospitable, it is only to such as would make a Prey of their Civility. For how many Strangers quit their native Soil, to enjoy the Pleasure of a more indulgent *English* Clime? And Foreign Merchants croud our Streets in such Numbers, as if *London* were the Mistress and universal Patroness of Traffic thro' the World. But if Men approach them in a hostile Way, there is no Reason they should meet with Hospitality, or be treated otherwise than with a Martial *English* Bravery, which is highly necessary for their own Defense and Preservation: For their main Bulwark is their native Valour; and their Men of War, their only *Alps* and *Pyrenean Hills*. And to say that *they are Self-Admirers*, is very weak, since if they should not love themselves, they ought to be hated of all the World besides. I only wish their *Conjugal Love* were as sincere and genuine, as their Friendliness to Strangers, and as little liable to Exceptions as their Cruelty. Then many silent Complaints against *Matrimonial Infidelity* would cease; then would not those solemn, sacred Ties be so wilfully violated and profaned, so frequently made an Occasion to Lewdness, and sacrificed so impiously to all Immodesty and Lust. For
how

For how often is *Marriage* made only a Cloak to *Impurity*? And that dazzling *Beauty* which before commanded *Respect* and *Admiration* by its *Innocence*, is under that *Religious Cover* exposed a *Prostitute* to every wanton *Eye*. Would but the *Modesty* of our *Women* keep Pace with the *Fortitude* of our *Men*; and the *Bashfulness* and *Purity* of Those, equalize the *Courage* and *Hardiness* of These, how valuable should we be at *Home*, as well as formidable *Abroad*! Then would it be difficult to determine which of these two Qualities would most recommend us to the *Esteem* of the World; whether we should more be famed for a Nation of *Lucretias*, or for a standing Race of *Heroes*.

Obj. But the *Women* will be apt to say, *That were there no Attacks, there would then be no Victory*: Did not the *Importunities* of the *Men* provoke the *Modesty* of the *Women*, there would be no *Surrender* of their *Chastity*: And how is it possible for such a weak *Defense* as *Women* are qualified to make, to be able to withstand their repeated *Onsets*? But yet as weak as it is, without *Consent* the general *Attempts* would be very fruitless and unsuccessful, and no more than the storming a Wall of *Brass* with

L

Tennis-

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Tennis-Balls. It is an Observation upon
this *Island*, That no *Continent* has been
oftener, perhaps, *conquered*, than it has
been: And yet the *History* takes Notice,
That it had always a *Hand* in its own
Conquests; and by the Means of some
corrupt *Party* within, was basely be-
trayed to its own *Overthrow*.

Ans^w. And let the *Women* but guard
their *Honour* with inward *Resolutions*, and
not harbour in their Minds a *treacherous*
Passion to yield to amorous *Glances* and
Insinuations, and they may still bravely
maintain their *Ground*, and fairly defy all
Onsets and *Surprisals*. But since the
weak Sex have rendered themselves much
weaker, by the frequent *Conquests* which
are made over them; and the Malignity
of their *Effeminacy* ripens daily towards
an *Universal Contagion*, it will be very
necessary to represent the various *Mis-*
chiefs of this spreading Evil: That the
Piety and *Wisdom* of the Nation may
prescribe such proper *Remedies* as may
retard at least, if not totally prevent all
the *Danger* of it; and that as well in the
Men, who are equally guilty, as in the
Female Sex.

In *India* formerly an *Elephant* was
esteemed and allowed as a valuable *Gift* to
a *Married Woman*, to debase her self,
and

and corrupt her *Chastity*. And *Solon* is recorded to have been the first in *Greece*, who by his *Laws* permitted *Women* to prostitute themselves for *Necessities* of Life. It were well that our *Women* were to be bounded only by these *Laws*: We might then expect some Abatement of their Impurity, either by the *Rarity* of that *Animal*, or by confining that Sin to such only as are in *Want*.

And that we may not by our *Silence* be any longer accessory, as it were, to this odious *Vice*, which is now grown so universal, let us consider a-while those various fatal *Mischiefs* which attend it. And those are,

First; Such as are the *Natural* Consequences and Effects of it; some of which have so near an Affinity to *Corruption*, that they forestal a *Natural Dissolution*, and prevent the *Rottenness* of the *Grave*: And render the Person who is distempered so very loathsome and offensive, that, as they were formerly too familiar with others, so they are scarce able now to converse with themselves: They look as if they were spawned from the *Dead-Sea*, or were a Limb of *Sodom* and *Gomorrab*. So long has *Reason* lain asleep, and *Conscience* been checked and awed to *Silence*, that the very *Body* now is forced to serve as a *Monitor*

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to the *Soul*, to supply its Place, and take
its Turn to conduct the Mind to *Reform-*
ation, and to endure several *Corporeal*
Pangs and *Throws*, for Neglect of *An-*
guish and *Remorse* of *Spirit*. But this nau-
seous *Evil* does not always rest here, but
sometimes descends to a loathsome *Off-*
spring, and corrupts the very *Innocence* of
Childhood: It intails such *Sickness* and
Diseases upon *Posterity*, as make them
wish themselves unborn, or that they had
been stifled at the *Birth*. So desirable a
Blessing is this which the vicious *Parent*
propagates to the *Son*.

And certainly if this Lustful *Fire* be not
quenched, or else be timely not *restrained*,
it will soon *emasculate* the *Age*, consume
the *Strength*, and melt down the *Courage*
of the Nation. It will serve instead of a
Thousand *Enemies* to foil and overthrow
the *Kingdom*, when it has brought our
Men to be as Lascivious as *Satyrs*, and as
Impotent as *Pygmies*. A *French* Army
will not be half so *Formidable* as some
Hundreds of *English* *Messalina's*, who
will top upon the greatest *Gallantry*, and
sink the *Braveness* of our Spirits more
than all their *Legions* and *Battalions*. If
we design to maintain our Martial *Valour*,
for which we are now renowned thro'
the World, we must keep at a Distance
from

from *Venus's* Tents. An Effeminate Hero resembles a Ball of Wildfire, expiring in the Air without any Resistance or Execution: He is truly qualified for Gallant *Atchievements*; but those tender *Indearments* he meets with in the *Fair Sex* exhaust all his *Fire* and *Strength*, and render him very insignificant and useless.

It was a most excellent Observation of *Juvenal*, concerning the Ruin and Declination of Ancient *Rome*,

——— *Sevior Armis*

Luxuria incubuit, victumque ulciscitur orbem.

When the vanquished *World* had nothing left to revenge it self on conquering *Rome*, its own *Luxury* became its *Overtbrow*, and was more *victorious* over it self, than any *Foreign Power* or *Arms*. And while *Effeminacy* triumphs among our Men of *Arms*, *England's* *Lawrels* of necessity must *wither*. The Ancient *Gauls* recommended *Continency* 'till a full and vigorous Age to all their Men designed for *War*, because they observed that *Women* were apt to abate and divert their *Courage*. And the *Greek History* observes to us, *That all such as designed for Victory in the Olympic Games, took Care not to converse for some Time before with any Women.*

But this *Vice* not only dissolves the *Courage* and emasculates the *Spirits*, but it entails upon the *Issue* generally very wild and extravagant *Passions*. And the *Lust* and *Lasciviousness* of the *Parent* runs frequently in the *Child's Veins*; it is rooted in the *Constitution*, and mixed with the very *Spirits* and *Blood*. And therefore it is the Wisdom of all Persons in their *Conjugal Elections*, to see that those they chuse be of a *well-descended Nature*; that they may be able to pronounce that of themselves, which the Great *Alexander* did, That *his Virtues he had by Nature, but his Vices came by Chance*.

And since most Men marry with a Design of securing to themselves an *Issue*, as well as *pleasing* themselves, both these good *Ends* by an inordinate *Lust* are quite *defeated*: For this by a Natural Cause prevents *Conception*, and by Consequence must stifle all Hopes of *Children* in the *Womb*. The beaten Paths are always barren, and never productive of any Fruit. This *common Way* of Living would be apt to put an *End* to the Noblest Family, tho' even the House of *Austria* depended on it. And, indeed, whatever springs from an *Adulterous Bed* is rarely of a long *Continuance*. Of that we may affirm what the Poet does of unjustly acquired

acquired *Riches*, *Ex malé quæsitis*, &c. *Ill-gotten Children*, as well as *Wealth*, seldom continue to the Third Generation. And thus the two Principal Ends of *Matrimony* are utterly baffled and confuted, by frequent *Matrimonial Lewdness*, and *Adulterous Conversation*, which both confound the *Nuptial Joys* and *Satisfaction*, and extinguish also *Lineal Descents*, in putting an invincible *Non Ultra* upon the *Progeny* of the *Meanest*, as well as the most *Ancient House*.

The next great *Evil* which attends *Conjugal Licentiousness* and *Impurity*, is the *Plague of Jealousy*; a *Passion* which blows hot and cold at once: 'Tis a kind of *Compound* of *Light* and *Darkness*, of *Pain* and *Pleasure*; that constrains a *Man* to *Hate* and *Abominate* That which he mightily inclines to *Admire* and *Love*. 'Tis of such an *Aguish Disposition*, that while it pretends to warm the *Spirit* with *Kindness* and *Affection*, it freezes it again with *Coldness* and *Neglect*. It puts a *Man* into such a tremulous *Condition* and *Suspense*, that he can neither freely embrace his *Wife*, nor yet think of *parting* with her freely, but it bandies his *Mind* continually to and fro, in a *Sea* of *Inconstancy* and *Hesitation*. And what is more intolerable, than to be wounded in

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the most *tender Part* ; than for the *De-
light* of the *Eyes* to be made the *Grief* of
the *Heart*, and to live confined continu-
ally to *Disquietude* and *Vexation* ? And,
certainly, except some *Restraint* could
be put upon the too just Cause of this tor-
menting *Passion*, it seems better much that
several Persons should answer, as *Thales* did
his Mother, concerning *Marriage*, who
told her, *When he was Young, it was too
soon to marry ; when he was Old, it was
too late.* *Lepidus*, we are assured, expired
with *Grief*, because of the *Incontinency* of
his *Wife* : I heartily wish that he were the
only *Martyr* of this Kind of *Discontent*, and
the last who fell a *Victim* to this Sort of
Dissatisfaction ; which is a *Torment* so in-
tolerable, that the very *Animals* are impa-
tient under this *Pressure*, and enraged to
be rivalled in their *Amours*. And there is
nothing certainly which ferments the Mind
to a greater Pitch of *Anger* and *Resentment*,
than those vexatious *Thoughts* inspired by
Jealousy.

But it is not enough for those who are
married thus, to consume the *Eyes*, and
waste the *Souls* of such as are injured, with
Discontent ; but they likewise quarry very
often upon the *Fortune*, and maintain their
consumptive Lusts at a large *Expence*.
What *Care* and *Frugality* had for a long
Time

Time hoarded up, that *Prodigality*, in a very short Time, makes a shift to lavish away : What was *laboriously* collected in the *Day-time*, is often, either by the one or the other, as *idly* wasted and expended at *Night* ; till the *Nests* of the *Mistresses* and *Gallants* are richly feathered with their *Substance*. And in this they too nearly moralize the *Fable* of the *Danaides*, condemning themselves to put their *Money* in a Bag with *Holes* ; as those Daughters of *Danaus* were punished in *Hell* with filling Water in a Tub without a Bottom. Of this we have a late memorable Instance among our *Nobility* here at Home, besides many more less *Illustrious* Examples which might be produced : For *within Three Years* which happened between the late Duke's (Norfolk's) *Death*, and the *Parting* of the new Duke and Dutcheß, she ran him out by *extravagant Expences*, 30,000 l. above his *Income* ; to pay which, obliged him to sell, for his *Life*, 2400 l. per Ann. out of his *Estate* in *Sussex* and *Yorkshire*. *

This is one main *Reason*, among the rest, that Men, in this discreet Age, as they call it, keep at so great a *Distance* from the Ties of *Wedlock*, that, with the *Essenians*, they will rather chuse to extin-

* See the Duke of Norfolk's Case.

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guish the Succession of Men, than beget
them in a *Married State*; or if they do,
it is rather for the Love of *Wealth* than
of the *Woman*, and so make a *Marriage*
of *Bodies* without *Souls*. And when they
are tied together thus very *loosely*, and the
Married Pair, as to any cordial *Love* and
Affection, continue still in a *Single State*,
what tolerable Degrees of *Indearments* and
Friendship can possibly be expected from
them? since they vowed that with their
Mouth which their *Mind* disowned, and
tied that with the *Tongue*, which they
never consented to with the *Heart*. From
whence proceed those Rumours daily of
so many *Skirmishes* and Domestic *Dis-*
cords, of such *Broils* and *Dissentions* in
several *Families*, which are perfect *Epi-*
tomies of a *Civil War*, and nothing but
Nurseries of *Feuds* and *Discontent*; which
render a *Wilderness* more desirable than a
Palace, and a Bed of *Rushes* more easy
than a Bed of *Down*. And while these
are the *Effects* of *Matrimonial Engage-*
ments, and the wretched *Consequence* and
horrid *Result* of those Sacred Vows, no
wonder that the *Poet's* Choice should be
the general *Motto* of this loose Age, *Gall.*
Ele. 1.

Et

Et mihi dulce magis resoluto vivere collo.

*Nothing agrees more with my Mind,
Than Liberty that's unconfin'd.*

But that which highly aggravates this *Crime*, and renders it far more unpardonable in the *Married* Persons, is, that they are under a most solemn *Contract*, and indissoluble *Obligation* to the contrary; and yet they venture without *Restraint*, and resolutely *break* all those holy *Bonds* asunder. So that what is remarked of the happy *Situation* of our *Island*, That in respect of *Commerce*, it enjoys this extraordinary Advantage of lying open to all the Parts of the *World*, may with *Shame* and *Confusion* be pronounced of the unhappy *Temper* of our loose *Gallants*, who expose themselves so commonly to all Strangers, and drive so general a Traffic with all Kind of People: For Confirmation of which, tho' we cannot justly pronounce it to be true in all Cases, we need but observe the strange Diversity of *Children* which are often seen in one and the same *House*, and are thought all to belong to the same *Parents*. This *Child* is naturally as *Fair* as that Lady whom *Horace* describes to be endowed with a *vultus ni-*

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mium lubricas aspici : That other is a perfect *Dowdy*, and as Black as any *Spaniard*. Here you may see one *Plump*, and shaped like a *Dutch Skipper* : There another *Tall*, *Slender-wasted*, like the *Monument*. One is *Sanguine*, another is *Pale* : Here is a *Dwarf*, and there is a *Giant* : This is *Surly*, and that is nothing but *Complaisance*. They are all as *like* one another, as a *Peasant* is a *Lord* ; and as *like* the *Father*, as a rough *Tartar* is like a smooth *Italian* : So that if you consider the *Children* all distinctly, you would really fancy that half *Europe* had clubbed to make up one *Family*. But herein Charity advises us not to pass our Judgments rashly ; because such Diversities may sometimes proceed from Legitimate Congress. And this unlawful *Freedom* not only corrupts the *Strain*, and allays the *Lineal* current *Descent* with spurious *Mixture* and a base *Breed*, but derives likewise a lasting Mark of *Infamy* upon the *Children*, stigmatizes their *Character*, and libels their *Repute* and *Credit* in the World. Now, if Men are so careful of preserving the *Breed* of their *Beasts* pure, especially such as are remarkable for any *Excellence*, that they will not endure a *Mixture* from any of a different *Kind*, for Fear of altering the *Strength*, or *Shape*, or abating of some good and eminent *Quality* ;

lity; should not then as tender a *Regard* be had for *Families*, for securing them from being *adulterated* and *stained* with *False Amours*, and *Illegitimate Conceptions*, and being made a *Medley* of contrary *Humours* and disagreeable *Genius's* and *Dispositions*? And no *Parent* who had the least *Respect* either for the *Honour* of the *Family*, or the *Comfort* and *Reputation* of the *Children*, but will chuse rather a thousand times to die *Childless*, than to have them brought into the *World* with such a *Train* of *Miseries* attending them.

We may add to this the heinous *Injustice* which is done to the next *Heir*, of cutting him out of all his *Pretensions*, and robbing him of all those *Privileges* and *Profits* to which he had an undeniable *Claim*: Whereby a *Nobleman* of the best *Family* may be supplanted by an obscure *Person* of the *meanest*, if the *Woman* prove unchaste and false, for Want of *Issue* from the *Marriage-Bed*. And this I am afraid is none of the least *Reasons* of the apparent *Degeneracy* of some *Ancient Families* in the *Nation*. It is true, indeed, the *Men* in these *Cases* are no more excusable than the *Women*; they are equally as guilty of *Matrimonial Inconstancy* as their *Wives*; but then the *Husband* cannot bring in an *Illegitimate Child* into the *Family*; he cannot

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not by that means strike out the next *Law-
ful Heir*, and basely *deprive* him of his *Birth-
right*. This is wholly owing to the unlaw-
ful Familiarity of *Wives*, and is an *Evil* in
them of the first *Magnitude*, being com-
pounded both of abominable *Treachery* and
Injustice. And therefore to preserve the
Succession in a right Line, that no base *Child*
may deprive the *Lawful Heir* of his just
Privileges, it is an Ancient Custom in se-
veral Places of the *East*, as well as in *A-
frica*, that the *Heirship* of Families runs
all along on the *Mother's Side*, as being
least liable to *Sophistry* and *Imposition*. So
that if once the *Nativity* be allowed, the
proper *Father* is never questioned. In *Rome*,
formerly, three of *Lepidus's* Relations were
born with a *Cartilage* upon the Right Eye,
as a distinctive *Mark* of that *Family* to
which they belonged. And were all the
Families in *England* to be traced at the same
Rate, and every *Child* in the Nation affixed
to its Genuine *Father*, what a numerous
Brood would be found in some *Houses*, which
are now *destitute* of *Children*? And how
many Persons who *feed* and *educate* Variety
of *Children*, as their own, would then be
really left almost *Childless*?

Besides these odious *Civil* Consequences,
there are abundance of *Religious Evils*
which this Conjugal *Libertinism* produce,
which

which was a Vice so detestable among the *Jews*, that *Death* is pronounced the infallible *Penalty* of it, Deut. xx. 10. And the man who committeth adultery with another man's wife, even he who commits adultery with his neighbour's wife, the adulterer and adulteress shall surely be put to death. And were this *Law* in *England* as frequently executed as it is transgressed, it would in some Measure unpeople us, I am afraid, as much as either the last *Plague*, or the late *War* has done, and mightily increase the Accounts of *Mortality* among us. And that this is a *Vice* of that intoxicating Nature, that Men are but rarely drawn off from it, we have *Solomon's* Testimony, Prov. ii. 19. None who go in unto her (the Lewd Woman) return again, neither take they hold of the paths of life. Chap. vii. 27. Her house is the way to hell, going down to the chambers of death. No *Dungeon* is half so dangerous and dismal as her *Apartments*, notwithstanding all their splendid *Gaiety*. And that *Wise King*, who smarted so severely under their *Enchantments*, because he was too familiar with their *Ways*, has with as much *Freedom* as *Severity* kindly given Caution against too much Confidence in them, in that Sentence of his, which looks as sharp as any *Satire* that was written against them, Eccles. vii. 28. One Man
among

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among a thousand have I found, but a Wo-
man among all those have I not found. No,
not even among the *Seven Hundred Wives*
who were *Princesses*, and those *Three Hun-*
dred Concubines which he chose to com-
pleat his *Thousand*. But this can be no
just *Reflection* upon the innocent *Conver-*
sation of our *Ladies*; among whom I que-
stion not but there are now several of as
rigid *Continence* and *Virtue*, as there were
in any *Age* since his *Time*.

It was in the late *Reigns* that this abo-
minable *Iniquity* came to be so Epidemic
an *English Vice*. The People of *Israel*
followed the Sins of *Jeroboam*; and *Regis*
ad exemplum, &c. were the Sins of — who
made *England* to sin. And unless the *Great*
Council of the *Nation* shall think fit to do
something as remarkable for the *Suppres-*
sion of that Abomination, as has been done
for the *Encouragement* of it, we must still
stand in *Fear* of its ominous *Growth*, and
justly dread the *fatal Consequences* of its
Increase among us. That it will, if not
restrained, produce at length a Storm of
very heavy *Judgments* upon us, we may
verily believe, from that severe *Indignati-*
on which the *Almighty* has frequently ex-
pressed against this *Wickedness*; and that
not only threatening with *future*, but in-
flicting *present Plagues*. He stiles himself
slow

slow to Anger, and is unapt to show his Resentments on a sudden; but yet at length he strikes home; as the Poet tells us,

Ὅψ' ἔθ' αἰεὶ ἄλεστοι μύλοι, αἰεὶ δὲ λείπ' αἶμα.

*Mills of the Gods do slowly wind,
But they at length to Powder grind.*

And therefore *Job* comforts himself with the Remembrance of his *Innocence* and *Integrity*, and the *Assurance* he had of not smarting for this Sin, which he reckons to be extreamly pernicious and destructive: *Job xxxi. 9, 10, 11, 12.* *If my heart has been deceived by a woman, or if I have laid wait at my neighbour's door; then let my wife grind unto another, and let others bow down upon her. For this is an heinous crime; yea, it is an iniquity to be punished by the judges: For it is a fire that consumeth to destruction, and would root out all my Increase.* He thought it so far from adding any thing to his *Family*, that it would certainly *exterminate* and *extinguish* those *Blessings* whereof he had been already possessed; and that it would *diminish* his *Comforts* instead of making an *Increase* to them. And doubtless whatever *Felicities* any Persons can pretend to from such filthy unlawful *Practices*, the *Miseries* will in all respects far *overbalance* and *outweigh* them, and produce a
Train

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Train of *lasting* and very *grievous Evils*,
for those *short* and *vanishing Delights*. And
many *Nations* besides the *Jews* have been
possessed with so irreconcilable an *Odium*
and utter *Detestation* against all *Adulterous*
Conversation, that they doomed the Com-
mission of it to as *Capital* a Punishment as
the *Jews* did, and sentenced the Guilty Per-
sons unto *Death*.

At *Pulo*, *Condore*, and *Pegu*; at *Siam*,
Cochinchina, *Cambodia*, and *Guinea*, the
Natives are so obliging to *Strangers*, as to
offer them the Use of *Women*, tho' not of
their *Wives*. And yet what *Heathens* dis-
avowed, is very shamefully practised by
Christians; and what the *Husband* is ut-
terly averse to, that the *Wife* chuses, a-
gainst all the *Laws* of Matrimonial Endear-
ments, the natural *Violence* of whose *Lust*
breaks too often thro' all the various
and strong *Restraints* of *Fear* and *Honour*,
which by a *Wise Providence* were contrived
as *Bars* to their *Chastity*, and placed as
Guardians to their *Modesty*.

It was five hundred and twenty Years
after *Rome* was builded, before ever that re-
nowned and flourishing *City* heard of a *Di-*
vorce among her People. And when *Spu-*
rius Carbilus dismissed his *Wife* upon the
Account of her *Sterility*, for he had no Ar-
gument against her of *Matrimonial Impu-*
rity,

rity, yet he received a sound *Reproof* for that Action; and was told, That the *Desire* of Children ought to give Place to *Conjugal Obligations*: *Val. Max. lib. 2. cap. 1.* It is not either for the *Barrenness* of the *Women*, or the natural *Coldness* of the *Men*, that *Divorces* are so much requested among us, as for their loose unlawful *Behaviour* to each other. Those natural unavoidable *Infirmities* do plead for *Excuse*, and are sometimes pardoned where the *Affections* are intire and ardent: But this *Matrimonial Inconstancy* is a Vice of that *Malignity*, that it *poisons* the *Kindness* of the most *Cordial*, and *cools* the most *Sanguine Husband* or *Wife* into *Indifference*, and oftentimes *Aversion*.

The *Almighty* was so averse to unlawful *Issues* under the *Mosaical Dispensation*, that he declares, *Deut. xxiii. 2.* *A bastard shall not enter into the congregation of the Lord; even to his tenth generation shall he not enter into the congregation of the Lord:* That is, as the *Hebrew Doctors* expounded it, *Never*. And the *Reason* which they give for it, is this, *That Persons might be deterred from such Marriages as would leave an indelible Mark of Infamy upon Posterity.* And the wise Son of *Syrac* has in few Words expressed the several great *Evils*, which attend

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attend the *Violation of Matrimonial Fide-*
lity, in the Woman particularly, *Eccles.*
xxiii. 22. &c. Thus shall it go also with the
wife who leaves her husband, and brings in
an heir by another. For First, She has dis-
obeyed the law of the most High. And Second-
ly, She has trespassed against her own hus-
band. And Thirdly, She has played the whore
in adultery, and brought children by another
man. She shall be brought out into the con-
gregation, and inquisition shall be made of
her children. Her children shall not take root,
and her branches shall bring forth no fruit.
She shall leave her memory to be cursed, and
her reproach shall not be blotted out. And
they that remain shall know, that there is
nothing better than the fear of the Lord, and
that there is nothing sweeter than to take
heed to the commandments of the Lord.

Now since the Zeal and Conduct of the
High Court of Parliament have done such
Miracles for the Safety of the Nation, have
conquered Difficulties which seemed insuper-
ble in Time of War, and have since appeased
all the Public Clamours of Discontent in Time
of Peace ; surely it would not be a Matter
unworthy their Thoughts and Considerati-
on, to reflect upon the numerous Mischiefs
which this too common Conjugal Inconstan-
cy produces ; and prescribe such Antidotes
as might timely put a Stop to it. What a
Glory

Glory will this add to all those mighty Things which they have already done? And how many thousand *Families* in *England* will think themselves obliged to call them for ever *blessed* for it? And *blessed* they must needs be, who make their *Authority* a *Terror* to all *Iniquity*, and take Care that *Vice* should never trample upon their *Power*, nor a *Wickedness* so daring, so *mischievous*, and *odious* as this, should ever pass any longer without a due *Censure*, and just *Punishment*. Were this *Effeminate Liberty* but effectually *suppressed* by their wise *Determinations*, what a lovely *Alteration* would it produce throughout the whole *Kingdom*! And how many *Injured Persons*, whose *Tempers* are now dejected with private *Grief* and *Discontent*, would then have them turned immediately into a pleasant *Chearfulness* and *Satisfaction*? Our *Men* would then be more *Hale* and *Vigorous*, more *Active* and *Hardy* than now they are, and not be *enervated* with *Effeminacy*, and *subdued* with sharp *Pains* and *Diseases* of *Lust*; nor yet be *racked* with violent and impetuous *Passions* derived from the depraved *Appetite* of the *Parent*. How many *Estates* might then be *saved*, who now are *wasted* and *consumed* by prodigal expensive *Lewdness*? And how many *Families* live like *Brethren* in *Love* and *Amity*, who are
now

238 *Conjugium Languens; Or, the*
now only the *Nurseries of Jealousy and*
Discontent?

And were these formidable *Difficulties* of *Marriage* but removed, and the *Wife* safe in the *Love* of her *Husband*, and *He* in the *Affections* of his *Wife*, and the *Legitimacy* of her *Offspring*, and not exposed so desperately to the *Falsity* of her *Love*, and the *Unlawfulness* of her *Progeny*, the *Taxes* then which are laid upon *Batchelors* would sensibly *decay* and *vanish*, and those upon *Marriage* as apparently *increase* and *multiply*. Men then would entertain the *Thoughts* of *Wedlock* with the same honourable *Esteem* as that Solemnity gained at its *first Institution*; which would no more be looked upon as a *State of Slavery*, but *Freedom*; as fit for Man even in his *State of Innocence* and *Perfection*; and a *Blessing* designed to *inhance* the *Pleasure*, and *multiply* all the *Comforts* and *Delights* of *Life*. But such a happy *Change* as this can never in *England* be expected, till those wise *Resolutions* which inspired the *August Assembly* of the *Nation* to surmount such *Hardships* as seemed *unconquerable*, animate them again to establish such an *Act* against this dissolute *Matrimonial Behaviour*, as may *restrain* the *Married Persons* within *Bounds of Modesty*; which is the only *Means* of promoting that Honourable *Estate*,

state, which is now so wretchedly neglected; and of reviving its decayed *Felicities* and *Comforts*. For now the *Impunity* of it has encouraged its *Violation* to that Degree of *Assurance* and *Boldness*, as if the *Offenders* were really *Lawless*, and out-braved the *Force* of *Civil Constitutions*, and the *Power* of the *Legislature* to restrain them. For effecting which, it might not be amiss to contrive such a *Method* and *Law*, as might render *Divorces* less chargeable and difficult than now they are. For since all *Divorces*, with the *Liberty* of *Marrying* again, proceed from the *Authority* of *Parliament*; therefore if either there chance to be no *Sessions* for some *Time*; or if there be, the *Parliament* has no *Opportunity* of dispatching such *private Concerns*; or if the *Persons injured* be a *Man* of no *Application*, or be destitute either of *Money* or of *Time* to go thro' with such a weighty *Affair*; in all these *Instances* he must be forced to *Silence*, and privately to struggle with his inward *Burthen* and his *Grief*, because he is not qualified for a *Deliverance* from the *Difficulties* of them. And therefore, since our *Saviour* assures us, and the most judicious *Casuists* attest, That upon the Account of *Fornication* it is really lawful both to *divorce*, and to *marry* again, *Mat. v. 32.* why should not some more easy *Method* be thought

thought of, than now is *practised*, for *relieving* the Party *injured* and *oppressed*? For sometimes *Divorces* have taken up the Space of *Four Years* before they were accomplished; as that of the Lord *Roos*, which continued from 66 to 70, and that of the Duke of *Norfolk's* much longer. And certainly it were more desirable, that the speedy *Dispatch* of the *Jewish* Manner of *Divorce*, *Be expelled from me, and free for any Body else*; upon just *Conviction*, were allowed, than such as are so *Tedious* and *Expensive* as those now mentioned.

C O N C L U S I O N.

Since, therefore, the happy *Constitution* of our *Government* takes Care of all other *Properties*, it will not, I hope, hereafter suffer this, which is most *dear* and *tender*, to be so easily *invaded* and *ravished* from us. Nor will those *Laws* which are a *Defense* for an *Ox* or an *Ass*, overlook the *Security* of the most valuable *Enjoyment*, neglect the *Rights* and *Interests* of the *Conjugal Bed*, and not maintain the *Staple Comfort* of our *Lives* in all the *Duties* and *Obligations* of *Matrimonial Constancy* and *Indearments*.

F I N I S.

The Cases of Polygamy, Concubinage, Adultery, Divorce ...

London 1732

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